



**LANCASTER SELECT BOARD**  
**Regular Meeting Agenda via ZOOM™ Revised\***  
**Monday, December 6, 2021**  
**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/81296943710>

Meeting ID: 812 9694 3710

**II. APPROVAL OF MEETING MINUTES**

Review and take action on Regular Meeting Minutes of October 18, 2021 & November 1, 2021

Review and take action on Special Meeting Minutes of October 26, 2021

**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

6:05PM Notice of Public Hearing – Tax Classification for Fiscal Year 2022  
*In accordance with G.L. c.40, §56, the Board of Selectmen will conduct a Public Hearing on the question of adoption of percentages of the total tax levy to be borne by each class of real property (residential, commercial, industrial, open space) and personal property for Fiscal Year 2022. The Hearing will be held via ZOOM on Monday, December 6, 2021, at 6:05 P.M. All interested parties are invited to attend and be heard.*

6:15pm Notice of Public Hearing – Koch Lancaster, Inc – Class I License  
*Notice is hereby given that a Public Hearing will be held on Monday evening, December 6, 2021, at 6:15 P.M., via Zoom, 701 Main Street, Lancaster, MA on application of Koch Lancaster Inc., dba Koch Route 2 Toyota, 700 Old Union Turnpike, Lancaster, MA for a License to Sell New Motor Vehicles (Class I). All persons interested in and wishing to be heard on this matter are requested to appear at the aforementioned time and place. Written comment will also be accepted up to time of said hearing.*

6:30 pm Notice of Public Hearing – Proposed 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 December 6, 2021 at 6:30 p.m. 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.*

*The application, plans, and other materials may be reviewed at the Town Hall, 701 Main Street, Lancaster, MA 01523 or online at <https://www.ci.lancaster.ma.us/affordable-housing-trust>.*



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

- Joint Meeting with the Finance Committee to meet potential candidate Jocelyn Mylott to fill unexpired term on the Finance Committee (Vote may be taken)
- Joint Meeting with the Finance Committee to discuss and may take action on Regional Amendment Appointment.
- Frank Streeter of the Memorial School Reuse Committee to give Committee update.

**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**

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

- Fleet EV Study
- Dispatch Executive Director Appointment
- Body Camera Grant
- Town meeting location and set up
- Discuss memorandum of understanding for the 40R district in North Lancaster
- Statewide opioid settlements – participation forms
- Holiday hours for Town Buildings

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

1. Special Town Meeting (Open/Close Warrant)
2. Town Administrator transition schedule (Allison)
3. Town Administrator agency selection (all)\*
4. Interim Town Administrator selection (all)\*
5. Process for appointing conservation agent (Allison)
6. Process for appointing recreation director (Allison)
7. Discuss how the Town should negotiate with Capital Group (Allison)\*
8. Town Counsel selection (Allison)
9. Follow-up to Russ Williston Open Meeting Law complaints (Allison)
10. Cultural Council to have meetings to give ideas on future use of town hall (Moody)
11. Historical society to work with Select Board to put up some paintings on Prescott Building walls (Moody)
12. Time and duration of Select Board Meetings (Turner)
13. Discuss appointments and employees onboarding. (Turner)



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14. Discuss Freedom of Information Act (FOIA) requests, and policy for website and staff involved (Turner)
15. Present proposed charter and details about approved Audit Committee (Turner)
16. Recap of CARES money as from TA report submitted (Turner)
17. Citizen engagement re development: Forums, scope etc. (Turner)
18. Liaison report from HR. Director on Proposed by-law updates to personnel by-law as suggested by HR. Need for STM and for review. (Turner)
19. Complaint about alleged Code violation to BOS/HR (Turner)

**VIII. APPOINTMENTS AND RESIGNATIONS (Vote to be taken)**

Resignation

- David Koonce, Conservation Agent

**IX. LICENSES AND PERMITS - NONE**

**X. OTHER/UNFINISHED BUSINESS**

- **Event and Entertainment fees and frequency (Moody)**  
Board is going to look into what revenue other communities receive (Topsfield/Brimfield)
- **Division of Capital Asset Management and Maintenance (DCAMM) (Turner)**  
Finalize Warrant Article language
- **American Rescue Plan Act (ARPA) – Schedule guidelines and impact of new infrastructure bill (Turner)**  
Board to set a special meeting or discuss at its next meeting
- **Set date of our legislative update (Turner)**  
Send invite for December meetings

**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 December 20, 2021 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 Committees. 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](mailto:apacheco@lancasterma.net) or [krocco@lancasterma.net](mailto: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](http://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

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**LANCASTER SELECT BOARD**  
**Meeting Minutes**  
**Of Monday, October 18, 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 g <https://us02web.zoom.us/j/89409606926>  
Meeting ID: 894 0960 6926

Roll call was taken, Alexandra Turner, present, Jason Allison present. Mr. Moody was having computer difficulty and will join as soon as possible. It was noted that this meeting is scheduled from six to nine pm.

Ms. Turner noted that she had not received the email blast notifying her of tonight's meeting and that is how she gets her agenda. She has received comments from some residents that they did not receive this email blast.

**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 read public comments.

From Kathleen Skelly, 102 Fire Road 11:

"Hi Jason, please don't forget why you are elected because honestly, it seems like everything happening in regard to this North Lancaster development is contradicting this. [three URLs from the Telegram linking to opinion pieces] From a naïve person who does not usually get involved in town politics, the meeting tonight is especially concerning. It appears the goal is to limit community involvement by taking comments at the end, limiting the length of meetings and stopping the Zoom calls. It should be the opposite. Community involvement should be encouraged, not discouraged. We also don't want to be the guinea pig for a developer's first large warehouse build. I was at the peer review of the traffic report Economic Development Committee meeting, and it made it very apparent that this warehouse is a big mistake and that the developer is doing everything they can to

hide the blatant facts. Please let's work together to find better ways to make money for the Town without compromising its beauty. Thanks, Cath"

Next is from Rob Zidek, 103 Kelva Road:

"Dear Mr. Allison, Ms. Turner and Mr. Moody, I submit the following for public comment at the October 18 2021 Select Board meeting. If this Board and the other boards and committees are truthful about pursuing what is best for the town, then there needs to be immediate and drastic improvement to the handling of public opinions, questions, issues, and suggestions. If nothing else gets decided tonight, I ask you to take whatever actions are necessary to bring a full stop to the usage of derogatory terms like "guff" when describing the Lancaster residents' inputs during the public comment portion of the October 14 meeting. Those of us submitting public comment are not doing so because we have nothing better to do, or because we need to just get concerns out of our system or because we like to have them put on display. People are making significant personal sacrifices to voice these concerns, because we recognize the gravity of the risks that are becoming more and more visible at meetings regarding the McGovern project process. However, in return for those efforts we receive very little if any responses from various boards and committees that acknowledge, answer, or put into action our statements. Case in point is the traffic review held on the October 13 Economic Development Committee (EDC) meeting. Many very good questions and very relevant issues were brought up by the public at this meeting, yet there was no indication from the EDC as to how these would be answered or resolved. There was nothing delivered as to the intention of this review, nor how the outcomes of this meeting fit into the various other discussions and decisions related to this project. There was also no discussion about the next traffic related review. My suggestion is that the next review be held very soon and start with a reading, discussion, and assignment of action items with response from the public inputs. From my own notes, I could list over two dozen open action items, a few of which I view as critical. I know my neighbors can add a lot more. I'm ready to read these or submit them in writing at any time, however, I wish to wait on the EDC first two years they have recorded. On a related note, I would like to remind the Select Board that during the June 2 meeting, in lieu of speaking I offered a written introductory statement and a 537 page annotated PDF version of the traffic impact analysis study (TIAS). Per instructions from the Select Board chair and the Town Administrator I provided those files that were loaded into the town database. In these last four months, despite my asking several times for an opportunity to present my many comments, it's clear today that the materials were never likely read, my request for review never answered, and the day spent producing those files wasted. I ask for your unconditional assurance that my neighbors never receive the same disregard. As one schooled to regard every problem as an opportunity, I finish by declaring that I am truly grateful to the Select Board for establishing the public forums and anxiously await their execution. We look forward to getting the opportunity to have actual dialogues, to speak for more than three minutes at a time, to submit reports, to show presentations, and the most importantly, to be heard respectfully."

From Amy Humphrey Facendola, 137 Colony Lane:

Comments for tonight's meeting 10/18. Mr. Allison, Ms. Turner, Mr. Moody, I'm writing to express my concern over two of the items listed on today's agenda, Section VII, items two and three. I would like my below list of comments read. I would like to express my opposition to in person meetings at this time. Section VI, Item 2. Our town continues to have a lower than average vaccination rate,



and asking residents to attend public meetings in person puts them unnecessarily at risk. Additionally, I think in person meetings at this time could post significant logistical challenges to keep everyone safe. The CDC continues to advise that we avoid crowds and poorly ventilated spaces and that we maintain six feet of distance from people who we do not live with. Last week's EDC meeting had well over 40 residents in attendance. How could you ensure the safety of all in attendance in a room that is well ventilated and allows for proper spacing? And what would you do if you plan for one space, but more people than anticipated showed up at a meeting? We should continue to strive to limit in person interactions where possible, so as to reduce COVID transmission to the greatest extent possible. I would like to express my opposition to moving the general public comment period to the end of the Select Board agenda, Section VII item three. In the constant pursuit of open governance and public engagement, I think the comments should not be relegated to the end of the meeting. It could have put a burden on residents to have to stay through a multi hour meeting to have their comment heard. General comments should be heard at the beginning of the meeting, and comments on agenda items should be able to be heard, while that agenda item is discussed. This Board should not be making decisions without hearing public comment. This Board should strive for more public engagement and not take actions that would effectively limit it. Thank you for your consideration on these items."

Ms. Turner asked Mr. Allison if at this point we could open the public meeting [sic]; she understood that it is best practice to open a meeting on time, so perhaps they could open the meeting, ask the applicant for a recess, and finish up with public comments. Mr. Allison stated that since much of the public comments are about wanting public comment to be heard, he does not want to delay public comment. Ms. Turner stated that hearings technically have to be opened on time and asked Mr. Pacheco for his input on the process. Mr. Pacheco said that if public comments took five or ten more minutes he thought that was okay.

From Cathy and Stewart Hughes, 8 Fire Road 11:

"Dear Select Board Chairman Allison, Clerk Moody, and Member Turner, With so many Lancaster residents deciding not to get vaccinated, it seems risky for the Select Board members and residents to attend in person meetings. Until the vaccination rates have significantly decreased, Zoom meeting should continue. Further, Zoom meetings have offered a wonderful opportunity for many residents to participate in the democratic process. So many of us have family and or work responsibilities where health and safety concerns limit our ability to attend in person meetings. Even during more normal times virtual meetings have opened the door of engagement for many residents. We hope this platform will continue to be an option going forward. We do want to encourage and not stifle civic engagement, don't we? On the agenda, item VII-3 is a discussion on moving public comment to the end of the Select Board meeting. In addition, we note a time limit on tonight's Board of Selectmen meetings. The time limit is certainly understandable. However, the combination of a meeting time limit and moving public comments at the end of the meeting may result of little or no time for public comment. Listening to the interests and views of town residents is an important part of communication and engagement for both the Select Board and the residents and should be valued by each BOS member. Public comment should remain toward the beginning of each regular Select Board meeting to ensure it takes place. FYI, it appears to be best practice to hold public comment at the beginning of the BOS meetings. I randomly picked 30 towns, about 10% of the 294 towns in Massachusetts, and reviewed their BOS agendas. 28 towns hold a form of public comment at or toward the beginning of the BOS agenda. One town, held it in the middle of

the agenda and oddly, one did not include it in their agenda. Thank you for your service and your time. Respectfully,”

Written comments having been read, Mr. Allison recognized Greg Jackson, 40 Farnsworth Way, noting that comments are limited to three minutes.

Mr. Jackson said:

“Thank you, Mr. Chairman. I would like to make some comments about the settlement agreement. So, dear Select Board members, During the past couple of years, multiple residents have raised concerns about the North Lancaster settlement agreement. We've received a variety of noncommittal answers and shifting narratives from the Town Administrator. What appears to be a complete and legal agreement waiting for the town to execute has been delayed month after month, year after year. A satisfactory resolution is urgently needed. The agreement was made in October of 2017 between the Town and North Lancaster LLC. While one of the parcels that was to have been transferred to the Town, parcel 14-15, was sold to 702 LLC in November of 2018 the other parcel 19-11 appears to have remained with North Lancaster LLC. I can't find a record of its transfer. Maybe somebody who's better at land records, could. The town also was to have been granted a permanent access easement on parcel 1-8, which is now owned by 702 LLC. Parcel 14-15 was to have been conveyed to the town within 60 days of the effective date of the amended agreement, while parcel 19-11 was to have been transferred by quitclaim deed during the initial closing between March and July of 2019. I have not heard confirmation that either action was ever completed. When the agreement was amended in October 2018 the terms included assignment and assumption that any purchaser or assignee of North Lancaster's property would perform and absorb all of the covenants and conditions, as amended, therefore, there should be no need to renegotiate the agreement. At an earlier board meeting Mr. Pacheco reported that the Capital Group was also affiliated with 702 LLC, now owned the land is expected to receive zoning relief as part of the land transfer. He was tasked with seeking a written request from the Capital Group and having that reviewed by Town Counsel. As of the last meeting of the Select Board no progress had been made on that request. I'm hopeful that issue will be addressed tonight. There appears to be no mention of zoning relief in either the original agreement or the amendment. If it is true that the Capital Group is now holding up its execution with their new demands, then their failure to meet legal obligations should prove instructive with regard to their sincerity and commitment to honoring any future agreements. If they bought a property subject to existing conditions, they should be expected to follow through with its terms. The North Lancaster land agreement was part of multiple real estate acquisitions and land transfer worth millions of dollars. The amendment allowed North Lancaster LLC to proceed with the sale of \$6.6 million worth of land in 2018. That allowed them to purchase their development schemes in North Lancaster. It is troubling that the Town has failed to receive its portion of the settlement, thereby weakening its position in future negotiations and forfeiting assets of significant value to the Town. I'd like to ask the Select Board to seek resolution of any outstanding questions and execute the agreement as amended as expeditiously as possible, the final closing date specified in the 2018 agreement is October 19, this year, 2021 which is rapidly approaching, like tomorrow.

*[At this point the speaker was cautioned that he was at 3 minutes 40 seconds; he asked the Chair for another 40 seconds].*

As I previously requested, the Board should seek a direct explanation from Town Counsel with



regard to why this agreement has not been completed, the parties involved, the Town Administrator, the Town Counsel, Capital Group, and North Lancaster LLC, all need to demonstrate credibility and capability before any more complex arrangements with them are negotiated. Failure to successfully act and deliver on the settlement agreement will undermine the validity of any future agreements and may provide grounds for subsequent appeals. Your attention to the resolution of this matter is urgently needed. Thank you.”

Mr. Allison recognized Carol Jackson, 40 Farnsworth Way:

“Thank you very much. At the last Board of Selectmen meeting I heard that you wanted to get the Barrett money off the agenda. It's not just the money, the \$8,000 that went out the door, without any authorization. I'm very concerned that \$8,000 did go out without any authorization and I haven't heard any concerns whatsoever throughout any of these meetings, about how \$8,000 can go out the door without authorization. We're supposed to have procedures in place, the Board of Selectmen is supposed to be signing, I believe it's \$5,000 and above or maybe all vouchers? There wasn't one signature on the voucher for the \$8,000. I just I can't believe that has not been discussed yet. Anyway that's one thing. Again, Greg stated the settlement agreement tomorrow is the deadline date, October 19, I can't believe this has been dragged on this long. Then I was going through the meeting materials and it looks like you guys had been discussing the electric service agreement and you were supposed to be voting on it, I don't recall you guys ever voting on it, but it looks like the agreement was signed. So that concerns me too, so I might be wrong, but I thought you guys are supposed to be voting on this before anything got signed. Thank you very much.”

Mr. Allison recognized Russ Willison, Chairman of the Lancaster Planning Board,

“I have a couple of things I want to talk about. Again, that electrical aggregation agreement. I actually noticed that myself that I think the new rate is listed on the Colonial Power Group site as 14994 per kilowatt hour through next December. I happened to hear about that because I was watching your last meeting, and if that rate is higher, because there was some delay in approving that, I'd like you to look at why that happened and how that can be avoided in the future because that's something that's going to have a real effect on people in Lancaster. For an average household, a household around \$350,000 that might use 500 kilowatt hours per month, that could easily cost an extra \$300 a year for them over the next year. Just to give you an idea of the impact of that, to offset that with new commercial and industrial development in town, it would take \$100 million of new development to lower their taxes by that much. So that \$300 a year would take \$100 million in new development to offset. If this was delayed because of that talk about development in town, take a take a good look at how you're spending your time because that's something that really could have saved Lancaster residents money in the next year for real. Thank you. The next to the last thing I wanted to mention again, the land settlement in North Lancaster that's crucial to shore that up. One thing we've seen on the planning board is as soon as an applicant doesn't need anything from you anymore you'll never get anything again. We've seen that, over and over again. The time to sort out that land transfer is now while they're still engaged with us and we still have things to offer them. People in Lancaster have a real chance to lose that land entirely now and that would be a shame, and that would be, we need to look into how it's gotten to this point. At your last meeting I heard someone say that we have an agreement with a company that no longer exists in reference to North Lancaster LLC. I just want to point out that my board is actually listening to a subdivision

amendment from North Lancaster LLC on land owned by 702 LLC right now. So if North Lancaster LLC doesn't exist anymore and they're not in the position to deal with us I'd like to know about that, because I can save a lot of time because they are there in front of my board right now. So I'd like you all to look very closely into how things have gotten to this point and what we're hearing, because something is not adding up. Thank you."

Mr. Allison recognized George Frantz. 13 Highfield Drive:

"Thank you, Mr. Chairman. From the tenor of the comments tonight it's obvious that people are concerned that their comments, their questions, their concerns are not being addressed. It's my impression that the design of meetings as we're currently we required to hold them, because of Open Meeting Law, basically prohibit that sort of open discussion. In a previous meeting the Select Board had had mentioned that we would hold a series of open meetings and I can't stress strongly enough, that this is not only urgent but it's urgent in a short term. So I please request for the Select Board to put some real horsepower behind that thing, and set it up with a moderator such that we don't have to listen to 31 times repeated comments. I know that people feel strongly about their concerns and that's fully legitimate, but I think the rest of the attendees have the right not to be forced to listen to the same thing over and over. If you have a new comment, make a new comment and move on, so that's pretty much it. I think we're on the right track, but I think we need to design something where we can actually negotiate rather than simply stating positions and putting out minutes of a meeting where nothing was decided. Thank you."

Mr. Allison recognized Anne Ogilvie, 4 Turner Lane:

"Thank you very much. Dear Honorable Select Board members, I offer public comments tonight on items within Section VII and X on the agenda. Regarding the suggestion to move public comments to the end of the Select Board agenda, this action could potentially serve to limit the public input into important matters on the agenda, particularly when meetings are five hours in length, as has happened recently. I hope it is not the intent of the Select Board to deliberately curtail public comment. I'm sure that the elected officials of Lancaster understand how important it is for residents to have a voice in public processes so that our leaders can be aware of the many perspectives represented within the town. This is particularly true for matters which will essentially reinvent entire portions of town, and impact the homes and living conditions in Lancaster, and the investment people have made in those homes. I urge you to maintain the public comment period at the start of the meeting to enable Lancaster residents to continue to be able to provide valuable input into items placed on the Select Board agenda. Regarding agenda item VII-5, the proposal to make the Economic Development Committee a permanent committee, I think that there have been significant issues with this committee from the perspectives of both residents and the Select Board. I propose that, since the Select Board Chair, only at the last meeting, proposed to disband the committee, that more time is needed to assess the performance of the committee before making it permanent. Perhaps the Select Board members might set a 12 month timeline to evaluate the progress the committee has been able to make with regard to economic development in Lancaster, and determine at that time whether to make this committee permanent. Lastly, I respectfully request the Select Board update the residents of Lancaster on the status of the North Lancaster settlement. The expiration date on the legal agreement is tomorrow, and the actions of the Select Board and Town Administrator to seek a remedy to this four year old land transfer are not clear. The execution



of this agreement is of great relevance to both the past dealings of the companies involved in the agreement and the future proposed development in North Lancaster. Leaving it undiscussed and unresolved as the expiration date passes seems like a serious oversight and prompts many questions. Thank you.”

Chairman Allison noted that Select Board member Jay Moody joined the meeting at 6:30 pm.

### III. APPROVAL OF MEETING MINUTES

Review and take action on Special Meeting Minutes September 29, 2021.

*Select Board member Alix Turner offered a motion to approve the minutes of the Special Select Board meeting of September 29, 2021; seconded by Mr. Moody. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

### IV. SCHEDULED APPEARANCES & PUBLIC HEARINGS

6:10PM      Public Hearing Special Permit to Remove Earth Products

Notice is hereby given that a Public Hearing will be held on Monday, October 18, 2021 at 6:10 P.M. via ZOOM, to consider the application of James Simpson, dba LLEC Inc., 139 Greenland Road, Sterling, MA for renewal of a Special Permit To Remove Earth Products (Sand and Gravel) from a parcel of land located westerly of I-90, Easterly of Jungle Road, identified on the Lancaster Assessors' Maps as Map 23, Parcels 7, location approximately 700 feet Easterly from the intersection with Jungle Road. A copy of the Application and Engineering Plans may be viewed in the Select Board's Office, Prescott Building, 701 Main Street, Suite 1, Lancaster, MA between the hours of 9:00 a.m. and 4:00 p.m. Monday through Thursday. All persons interested in providing comment should attend and be heard. – Select Board

*Select Board member Jay Moody offered a motion to approve open the Public Hearing for a Special Permit to Remove Earth Products to consider the application of James Simpson, d/b/a LLEC Inc.; seconded by Mr. Moody. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Mr. Allison recognized the applicant, Mr. Simpson. Mr. Simpson explained to the Board that the property is accessible through Jungle Road in Leominster, with few people realizing that the property is actually in Lancaster. The permit has been in place for many years, and the volume of material leaving the property is “not that great” anymore as high value product has been removed, but there is still some product that Mr. Simpson would like to remove. His goal is to have a developable site when completed; they also stage product and processing there. There has been a recent walk-through with Mr. Farnsworth and Mr. Pacheco. Mr. Simpson requests one change to the existing permit to allow annual rather than twice yearly inspections by the Town's consulting engineer.

Ms. Turner asked Kayla Larson, representing Tighe & Bond, the Town's consulting engineer, to recap her findings. Ms. Larson explained that Tighe & Bond is a third party consulting engineering

firm hired by Lancaster to do regular inspections of the site and also to review the newest application. She agrees with Mr. Simpson's assessment that the work on the site has decreased and would agree that Mr. Simpson's request for fewer inspections is reasonable. She also noted that they have received the updated bond from LLEC.

Ms. Turner had questions regarding the scope of work.

Mr. Allison asked Mr. Pacheco and Ms. Larsen if they had any concerns regarding this permit. Both of them responded that they have no concerns at this time.

Mr. Allison recognized Phil Eugene.

Mr. Eugene asked Mr. Simpson to define what he means by storage at the facility. Mr. Simpson explained that there is some storage of topsoil from other site work and development. Mr. Eugene asked if the permit defined what could be stored at the site. Ms. Turner stated that there should probably be restrictions in accordance with zoning. She noted that this site is in an adult entertainment zoning overlay and light industrial.

Ms. Turner asked Mr. Simpson if he is "nearing the end" and if he expects this permit to be the last one before "looks for greener pastures." Mr. Simpson replied this is possibly his last earth removal permit, but that his intent is to develop the property when earth removal is complete. He cannot tell how quickly this will happen; it will depend on what the economy does in the next two years.

Ms. Turner asked that the permit include some language about no storage of hazardous soils or waste. Mr. Pacheco noted that the Town does not have a definition of hazardous soils or waste, and that this would probably be a Board of Health issue or regulation. Ms. Larsen stated that she does not have a definition available but that Tighe & Bond could probably put something together. Mr. Allison suggested closing the public hearing and then making a motion with basic language that include this request.

*Ms. Turner moved to close the public hearing. Mr. Moody seconded the motion. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

*Ms. Turner moved to approve the application of James Simpson as submitted with the amendment that there should be no storage of hazardous materials or soils upon the site. Mr. Moody seconded. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

## **V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS**

Mr. Allison recognized our new Nashoba Regional School District Superintendent Kirk Downing and Joe Gleason, Chairman of the Building Committee relative to the high school building project. It was noted that the agenda will be corrected to correctly record Superintendent Downing's name.



Mr. Gleason explained that the Building Committee has been in existence for slightly less than a year, and that they are in the “feasibility study module” of the project. The district has retained the services of an “Owner’s Project Manager” (OPM), Skanska USA.

He continued, explaining that the Town of Lancaster, with the other towns in the district, had authorized \$1.5 million to cover the costs associated with the feasibility study. Of these allocated funds, the current contract with Skanska calls for approximately \$423,000 to cover consulting services. The Building Committee met on September 28 and approved the amount of \$850,000 for designer services. We arrived at that figure through an analysis of similar projects and the costs associated with those projects. He went on to explain further how that figure had been arrived at. They are looking at the end of November, beginning of December, for the selection of a designer to work with our OPM and the crafting of the feasibility study and we are looking at about December 21 for execution of a contract with a designer. The next step for our Building Committee will be tomorrow night where they will talk about composition of our Selection Subcommittee.

Mr. Moody asked what the timeframe would be for actual construction. Mr. Gleason explained this this wouldn’t happen for a few years, and that the feasibility study will take approximately 18-24 months. The OPM estimates that the project should be complete sometimes in 2027.

In response to a question from Mr. Allison, Mr. Gleason explained why the current high school is an “aging building.” He talked about the type of construction taking place in other communities, stating that designers today are placing great emphasis on school safety. Mr. Gleason explained that the Building Committee’s meetings are not currently broadcast, but if anyone would like to see them, they should contact him and he will gladly provide a link.

Superintendent Downing introduced himself and said that the school year is off to a great start, with fabulous leadership in the schools. They are back to in-person learning. They have reinstituted monthly meetings with the Town Administrators from all district towns. Mr. Downing spoke to the current capital needs in the Lancaster schools, the most pressing of which is the boiler at the Luther Burbank/Mary Rowlandson School. He explained that he has been working with Mr. Pacheco and that they were able to activate a contract to perform the necessary work. He wanted to reassure residents that there will be functioning boilers in the school this winter.

Ms. Turner questioned how the District plans for population growth. Superintendent Downing explained how the estimates for student population are developed by the State, and that a new high school would be constructed for approximately 925 students. It was discussed that right now the Building Committee is looking at building on the current high school site, but as they move forward they may look at alternate locations. It was noted that the MSBA (Massachusetts School Building Authority) does not fund land acquisition.

- Board of Assessors to discuss Atlantic Union College tax abatement resolution

The Board of Assessors called their meeting to order at 7:13 pm, Deb Sanders and Kristen Fox present.

Select Board member Ms. Turner would like an update on the lawsuit between the Board of Assessors/Town of Lancaster and Atlantic Union College (AUC) about tax issues that have been going on since 2012. Mr. Pacheco explained that the case is AUC vs. The Board of Assessors of the Town of Lancaster, and it dates to 2014.

Ms. Turner stated that her understanding is that the case is settled and paid. She thinks it's important to discuss because many people have asked for details. Ms. Sanders explained that the school lost its accreditation in 2013, so they were assessed taxes in FY13. They filed an abatement, it was denied, they paid taxes. This just pertains to residential buildings, not educational buildings. The same thing happened in 2014, 2015, 2016, 2017, 2018, 2019, and 2020. In all these years AUC did pay their taxes, totaling over \$1,495,300. The Appellate Tax Court heard the case for years 2014, 2015, and 2016, with total taxes of over \$400,000. The Tax Court sided with AUC; the Board of Assessors appealed the decision. The appeals findings did not specify why the Tax Court sided with AUC, so the case was sent back to the Appellate Tax Court for a new decision to explain way. The new findings from the Appellate Tax Board put all the buildings as one lump sum. At this point the Board decided to try to settle with AUC. At this point AUC had sold many of the houses, and they others were listed for sale. A settlement was reached to deny interest, and to take fiscal years 2017-2020 off the table. They took the offer, so the Town had to pay, from the overlay, for \$400,000. The net result was that AUC paid \$1,095,300 in taxes. Ms. Sanders stated that if the Assessors had never done anything, they would not have received these taxes.

Ms. Turner stated that her understanding is that the Town owes or owed three years of taxes. She stated, "Normally, if we do something as a Town and we get sued, which happens more frequently than we would like, but it happens, then Insurance Council will take over." Ms. Sanders stated that not in this case; this is real estate and has nothing to do with insurance. Mr. Pacheco tried to explain further that this is not an insurable item. Ms. Turner questioned what the legal costs were for this. Ms. Turner would like to get that number, although it's too bad we lost.

Mr. Pacheco interjected that he didn't think that saying that we lost was a fair assessment, since the net result was that the Town is up a net million dollars. Ms. Turner reiterated that she would like to know what the attorney's fees were, and that it must have been significant since it had to be appealed, and that it's good that we have to learn from our mistakes.

The Board of Assessors vehemently objected to Ms. Turner's use of the word "mistake," stating that Ms. Turner had been sent an email inviting her to visit their office and review any and all documents, but that she had not been to see them. Ms. Turner stated that the purpose of this meeting was to allow the public to understand what had happened. Ms. Sanders stated that the Appellate Court goes by their own decisions, not by Mass General Law; Ms. Fox stated, "Being an assessor for at least 20 years of my career, I'm not even sure why we're discussing this with any other board. Appellate Tax Board cases and Abatement Applications for real and personal property are strictly the jurisdiction of the Assessor's Office. Frankly, the Select Board has no standing. You really don't even have the authority to question why we didn't use Town Counsel. Deb did her job, and she did her job well. If she hadn't taxed the school, we would be a million dollars in the hole right now, so the fact that she fought this in court and saved the Town, frankly, a lot of money, because I'm well aware of who the attorney was, and I've used this person myself. To say that the Assessors made a mistake by doing their job is just sheer ignorance."

Ms. Turner replied, "I am ignorant, and I admit that. That's why, and many people are, and there's been speculation. That's why we're having this meeting, not because we have purview, but because we are trying to be open and transparent and explain to people what it was. We have asked and I've asked many a time, and yes, in writing and in meetings, so this is an opportunity for people to understand, for better or for worse. When I say loss, I'm looking at the findings that I was given, and that was purely from the Appellate Tax Board and from the Appellate Court, so you know, this isn't meant... We have a lot of nonprofits in town, as everybody knows, and they do contribute. People are under the misconception, I think, that they offer no taxable income." Ms. Turner continued, drawing on the Trustees of Boston College and to Cambridge as examples. "So we need to understand and we don't know what's happening going forward, with the grounds that used to be Atlantic Union College. There was some rumor that it may continue to be a school, so we need to learn from our mistakes, if there were any."

Mr. Moody stated that it was good to have this information because residents keep asking questions. Ms. Sanders noted that if the Select Board members receive questions, they should send the resident to the Assessors' office for answers.

Mr. Allison stated that he thought collecting \$1 million was a good thing.

Ms. Turner asked again for the Board of Assessors to provide the legal cost. Mr. Pacheco told her that he could get this information for her.

Ms. Sanders moved to close the Board of Assessors meeting at 7:36 pm. Ms. Fox seconded. All in favor, meeting adjourned.

## **VI. TOWN ADMINISTRATOR REPORT**

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

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

Mr. Pacheco explained that attached is a preliminary plan to start the deployment of ARPA funds. He wanted to initiate discussion to "get some traction going" and start to deploy some funds. He explained that there are six categories, loosely defined, as to how ARPA money can be spent. He has met with some of the departments locally and regionally, and some needs have been identified: 1. \$900,000 to improve water infrastructure, which would cover design of 20,000 linear feet of the worst pipes; 2. As the Select Board looks to handle or take on the DCAMM parcel, \$200,000 for site preparation; 3. A regional Social Worker to provide the Town more support in dealing with residents who may suffer from some level of mental illness; 4. Reserving some funds to maintain the Town's COVID-19 Coordinator position, at least through next year; 5. Up to \$100,000 to improve outdoor spaces, perhaps including the Town Beach or tennis courts; 6. \$10,000 to support the \$75,000 matching grant that the North Central Chamber of Commerce needs for their regional tourism efforts.

Ms. Turner stated that she feels “a bit ill informed,” stating that she has repeatedly asked for details on the ARPA money and guidance, but she has yet to see them. She went on to explain that she had good input at a seminar from the Executive Office of Elder Affairs, but has not received what she needs from Mr. Pacheco. Mr. Pacheco stated that this topic has been on a couple of agendas with supporting documentation. Ms. Turner would like Mr. Pacheco to provide an Executive Summary with more comprehensive information.

Ms. Turner moved that this item is on the agenda for next time with an Executive Summary of how much ARPA money there is and what the opportunities are so that the Board could discuss, and department heads could be invited with requests for ARPA money.

She went on to state that this needs to be made a budget, a statement of our priorities, and we need to make sure that we’re not just rushing to spend this money but that we’re focusing on our top priorities. She mentioned that there has been past discussion about a Long Range Planning Committee, and this would fit into long-range planning.

Mr. Moody seconded the motion, and Mr. Allison called for discussion.

Mr. Moody stated that he would like the water pipes to be a priority because he has been told by someone knowledgeable that there are still a bunch of lead pipes and tie-ins.

Mr. Allison stated that he is opposed to this motion; he stated that the Board had a list of projects that weren’t complete and that he didn’t want to add to it, but would like to task Mr. Pacheco with preparing a proposal for the Board and meeting with department heads. He suggested that individual members of the Board could meet with Mr. Pacheco to get their questions answered.

Jay or myself, we can meet with Orlando individually to get every one of those questions answered I don’t know why we would have a meeting to do that so that’s my opinion on it.

It was confirmed that this money could be spent through 2025 if it is encumbered through 2024. Discussion continued, with Mr. Pacheco noting that more materials had been provided for the September 8 meeting, and some disagreement as to what Ms. Turner’s motion actually was. Mr. Allison reiterated that there is a motion on the floor to have a joint meeting with the Select Board, Department heads, and the Town Administrator, to discuss what the Town would like to do with the ARPA money.

Ms. Turner amended the motion, “I would offer a motion that we establish a meeting at a future date, to be determined, to discuss the ARPA money, based on an Executive Summary and some suggestions from the Town Administrator,” noting that she would be happy to work with Mr. Pacheco to do this.

Mr. Moody noted that while the Town will receive \$2.3 million in ARPA money, the list



provided by Mr. Pacheco only totals about half of that. Mr. Pacheco replied that some of the numbers are not exact yet; he noted again that he has supplied the Board with all relevant materials and that he is not sure what Ms. Turner is looking for in terms of an "Executive Summary." She will show him some of the ones she has seen from other towns. She went on to say that she gets the agenda when the public gets the agenda, on Friday afternoons, and that Policies and Procedures call for the Select Board to get their agenda a week ahead of time or days ahead of time so that they can be better informed.

*Mr. Allison called for a vote on the amendment. Jason A. Allison, No, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [2-1-0]. Motion passed.*

*Mr. Allison then called for a vote on the motion as amended. Jason A. Allison, No, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [2-1-0]. Motion passed.*

Mr. Allison recapped that the motion passed, so Mr. Pacheco will put together an Executive Summary and there will be a meeting in the future, to be determined, on what to do with the ARPA funds.

Mr. Moody thinks that the water pipe repairs is a great priority, and he would like the DPW to send a memo explaining their priorities in greater detail.

- **Regional Agreement Amendment Advisory Committee**

The School Committee has voted to create a Regional Agreement Amendment Advisory Committee (RAAAC) to evaluate and recommend revisions to the existing Regional School District Agreement. The School Committee is requesting one member of either the Select Board or Finance Committee from each member community.

Mr. Allison asked about timeframe; Mr. Pacheco stated that a decision should probably be made at the next meeting. Mr. Allison asked for more information; Mr. Pacheco pointed out that there is an email from Mary McCarthy and some other supporting materials in this week's Select Board packet.

The RAAAC's first meeting is scheduled for October 27; the next Select Board meeting is November 1. Ms. Turner noted that the Board should have been notified earlier and that the Agreement has a huge impact on Lancaster. No Board member wanted to volunteer; Mr. Allison noted that even if they had this memo a week ago it would not have changed anything. Mr. Allison asked Mr. Pacheco if it was okay to ask the Finance Committee Chair to send this memo to their members, asking any interested member to contact Mr. Pacheco; it was agreed that this was best practice, giving them five days to respond.

- **Cemetery Survey Planning Grant**

The Town is seeking grant funds to hire the appropriate preservation consultants to prepare a plan for submittal for four cemeteries to be added to the National Register of Historic Places. The Town was successful three years ago with an application that led to Middle

Cemetery, Old Settler's Burial Ground being approved for designation. The current application will focus on Eastwood Cemetery, Old Common Burial Ground, North Village Cemetery, and North Burial Ground. If awarded the process will take a year to complete.

Mr. Pacheco explained that the projected budget to do this would be about \$30,000, with some grant money and in-kind services included. Mr. Pacheco noted that he has learned a great deal while working on this project, which will be helpful if he is ever on Jeopardy.

Ms. Turner asked what this gets us in terms of numbers and benefits. Mr. Pacheco explained that this funds Preservation Consultants to help Lancaster apply for the National Register of Historic Places, which is a cumbersome process.

- **70/117 Intersection Appraisals**

The Town has solicited four firms to conduct the necessary appraisals for the easements related to the redesign of the intersection project(s). We are waiting to obtain three quotes for formally making an award.

Mr. Pacheco explained that as part of the Route 17/117 Intersection project, the Town is required to have an appraiser on board to appraise for any potential easements that Lancaster might need to acquire. This was solicited and there have been two responses. He is hoping for a third response, but by the middle of this week we will be in a position to award a signed contract.

[Out of order: Relative to the previous topic, Mr. Pacheco recalled that a noted architect buried in Lancaster was Horace Cleveland. Resident Martha Moore was recognized, noting that being on the National Registry of Historic Places will be helpful in the future with grant applications for projects like repairing the cemeteries. Mr. Pacheco noted that because of Lancaster's age, and the level of documentation to be a certified local government, means 10% of all Massachusetts Historic funds are expended on certified local governments. The Town won't see a huge financial boom from the Community Preservation Act (CPA), but it is a good leveraging tool for other grants. Pursuing other designations strengthens the Town's ability to get more money later on.]

- **Building Inspector Appointment**

Mr. Pacheco reports that he is still working diligently to come to an agreement with the selected candidate. The anticipated start date is 11/1/21.

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

### **1. Discussion on incentivizing vaccines for Town Employees (Allison)**

*Mr. Allison moved to pay each full time employee \$1,000 to be vaccinated and to have that paid out to all full time employees once we reach 100% vaccination, outside of medical and religious exemptions.*

Mr. Allison further explained that the total would be about \$54,000 which would come from ARPA money. He offers this motion because he would like all employees to be vaccinated, and wants the Town to do everything it can to ensure that all town employees are vaccinated. He stated that the first point is that employees would want the \$1,000, and the second point is that employees would become advocates, urging other employees to get the vaccine.

Ms. Turner asked about part-time workers, noting that there are many part-timers, including EMTs, DPW workers, Council on Aging Meals on Wheels drivers, who still have contact with the public. She stated that her concern is first protecting residents, and secondly, "people are very skeptical of incentives." Mr. Allison clarified that if 52 of 54 employees were vaccinated, with one medical exemption and one religious exemption, that would be 100%. He explained that employees with medical or religious exemptions would not receive the \$1,000 because they were not vaccinated.

Mr. Moody's concern was that if everyone but one person were vaccinated, are the other employees going to drive him out of town, or make life miserable for him? Mr. Allison said that the reality of that scenario is that yes, there will be some unhappy people, but there will be 53 people vaccinated, and that's a great scenario for everybody.

Ms. Turner questioned Mr. Allison, stating that at a previous meeting he had said that if 90% of employees were vaccinated, that was awesome. He recalls stating that the number was 92-94%, but that he has heard from many residents that they would like the number to be 100%. Ms. Turner said that mandating something is not something that she likes to do, and she believes in people's right to choose. She said that many people are fearful of the vaccine, and that if she is afraid of stepping in front of a moving car, \$1,000 isn't going to change her mind.

Ms. Turner noted that Sandi Charton, HR Director, had sent the Board members a testing option. Ms. Turner would like a testing option as an alternative to try to get us to a better, healthier, and safer place. She fears that this motion would result in repercussions and divisiveness, stating, "And the fact that it doesn't deal with the part timers and so on, but I think there were other ways to try to get us better."

Mr. Allison called for a vote, noting that Ms. Turner should probably abstain since she is a full-time town employee.

*Jason A. Allison, No, Jay A. Moody, Abstain, Alexandra W. Turner, Abstain. [1-0-2]. With no majority, the motion fails.*

Mr. Moody noted that he abstains but would be in favor of bringing up the topic again after having a chance to think about it.

## **2. Discussion on resuming in person meetings (Allison)**

Mr. Allison said that he is not ready to make a motion on this topic but would like to

begin having a discussion. He thinks that if we're asking kids and teachers to have in-person learning, and businesses are open, that it's not unreasonable to ask the Board to meet in person. He agrees that Zoom meetings have been great and have enabled a lot of success, but thinks that the reality is that the Board should meet in person. He would like to discuss this over the next two or three meetings to formalize a plan, something that both the Board and residents are comfortable with.

Mr. Moody has talked to Mr. Pacheco and Ms. Rocco about the hybrid method used by the Town of Stow, where the meetings are in person, but there's also a camera that follows the meeting and ties in with Zoom. He likes the convenience that Zoom meetings offer to many people.

Ms. Turner said that she appreciates Mr. Allison's point, and that we need to lead by example, noting that many high risk residents are still not leaving their homes, and she would support a hybrid model. She noted that there would need to be good wifi, and Mr. Pacheco and/or Ms. Rocco would need to help facilitate because a hybrid meeting is more complicated. She thinks that there need to be in-person meetings because Zoom does exclude people who have technical challenges. She notes that at this point in time there are 47 people signed on to this meeting, more than could probably fit in the meeting room.

Mr. Allison will ask Mr. Pacheco to put this item on Unfinished Business so that it can be discussed at the next meeting, and would also ask Mr. Pacheco to put together a proposal for hybrid meetings.

**3. Discussion on moving agenda item "Public Comment" to the end of the Select Board Agenda (Allison)**

Mr. Allison noted that there has been a great deal of public input on this topic. He has responded to everyone who has emailed about this asking how this could be handled differently, but states that he did not receive any good answers. *Mr. Allison moved that Public Comments move from Section II of the Agenda to after Section V, after Public Hearings and Board, Committee, and Department Reports.* He explained that this would help people who are waiting for scheduled appearances.

*Ms. Turner seconded the motion for discussion purposes.*

Ms. Turner stated that this is not a bad idea. She thinks that putting Public Comments at the end of the meeting might seem to be less transparent. She would like written comments to be posted right away on the website so that people could be acknowledged and thanked, and that rather than reading the emails, people could be directed to read them on the website. If a large number of people wanted to speak they would be given the chance, perhaps curtailing comments to two minutes and then allowing people to speak again after everyone has been given a chance. She thinks that there should be some way to shorten this part of the meeting since at the last meeting Public Comments took an hour and fifteen minutes.

Mr. Moody agreed that this is a good compromise, allowing invited guests to be seen in a timely fashion without moving Public Comments to the end.

Mr. Pacheco noted that if the Board wishes to make this change, then they should make sure that the next meeting's agenda is reflective of the change and then also send out to the Board an updated Policies and Procedures, noting the change.

Mr. Allison asked Mr. Pacheco to send this to all Board members so that it can be voted in at a future meeting. Ms. Turner asked if Policies and Procedures could be changed at this point in order to finish the topic; Mr. Allison responded no, that the document had to be gone through and marked up.

*Vote taken on previous motion; Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]. Motion carried.*

**4. Discussion on the existing Select Board Policy and application regarding Nepotism Pertaining to Service on Board and Commissions (Allison)**

Mr. Allison noted that the time was 8:30 pm with 30 minutes left to the meeting. Ms. Turner asked why the meeting was scheduled to end at 9pm. Mr. Allison stated that he "time boxed" this meeting for three hours.

Mr. Allison explained that this topic was before the Board due to a citizen complaint. Recently, a committee re-appointment was denied by the Select Board because of nepotism. The resident was upset because he/she felt that they were de facto singled out as an example of nepotism, whereas the situation exists on other boards. Mr. Allison stated that the Select Board needed to make transparent their feelings on nepotism and how to manage appointments on boards. He asked Mr. Pacheco to explain nepotism and to give a little history to clarify past practices. He stated that this is not meant to indicate that past practice was wrong or to cast judgment, but to understand where the issue stands today.

Mr. Pacheco explained that the original complaint was a result of the Animal Control Commission having a husband and wife on the Commission. The way we define nepotism is members having an immediate family member, defined as a spouse, son, daughter, father, mother, sister, brother, grandmother, grandfather, aunt, uncle, niece or nephew, or the following in laws, son, daughter, brother, sister, mother, or father, serving together on the same board or committee. The problem that we've had is that it has been very difficult to attract members to some boards and committees, so the Select Board, at the time of the appointment, this Board or a very recent Board chose not to make the appointment on the Animal Control Commission. What then happened was we have two brothers who serve on the Agricultural Commission. When that appointment was made, (Mr. Pacheco believes that the Select Board was aware) there was also no one else willing to serve. On the Agricultural Commission at the time, they had already had one death of a five member committee, leaving them with four

members. They still today have only four members. So if you bring them down to three (Mr. Pacheco noted that he has advised the Agricultural Commission of this discussion) the concern might be it's very difficult, it could be very difficult to reach a quorum with three members of a five member board, because all three members would have to be available all the time.

Mr. Pacheco continued, noting that the Agricultural Commission is probably not where you're seeing a lot of risk, because they don't meet all that regularly. For the most part, their most recent agendas have revolved around Chapter 61A applications and land issues that we circulate to various boards and committees.

Mr. Pacheco stated that, in a nutshell, is the nepotism issue and a little bit of background. He said that it is not that we wanted relatives serving together, although sometimes it isn't that bad, and it's not that they're in "cahoots" because they are related. They still need to follow all disclosure and ethics laws. Where the problem arises is that when people living in the same household are on a board or committee together it becomes an Open Meeting Law violation, and the board or committee in question is now exposed to Open Meeting Law violation. This is just the simple nature of the relationship, and that, according to Mr. Pacheco's understanding, is why the nepotism clause was inserted. To the best of the Select Board's ability this is followed, with the understanding that boards and committees still need to function, and that they need bodies – preferably knowledgeable bodies – to do so.

Mr. Moody said that he sees no reason why, on some of the "minor," if you want to call them minor committees, like Agricultural or Animal Control, that are really hard to get people to be on... He thinks that we should separate the major committees, the ones that really make a difference. Animal Control doesn't make much difference, other than helping the Selectmen stay out of suits with animals. He would like the Select Board to list important committees, versus some committees that have a hard time even finding people that are interested in doing what needs to be done.

Ms. Turner said that she understands the background and that initially when policies and procedures were written, this was put in place, as it is in a lot of cities and towns, to avoid family legacies, people who did agree and liked each other, serving on the same committees. She said that the Select Board has the power of appointment, so the Board has a choice of people, but the concern is that the Board did single out somebody. She stated that when the Animal Control appointment came up, she had asked Mr. Pacheco to provide a list of anyone on all boards and committees that could be affected by this; she states that she has checked the tape of the meeting to ensure that she did ask for this but has not seen it. Her concern is to be consistent in the Board's application, especially if it were recently enforced. On the other hand, she thinks that the Select Board needs to recruit more aggressively for board and committees, but it is difficult to get people to fill positions.

Mr. Allison stated that in his time on the Board he has learned not to judge or to criticize a previous Board's decisions. He is inclined, basically, along the lines of Mr. Moody's

point, put this at the discretion of the Select Board, especially for appointed roles. The Board's discretion would need to align with the importance of the Board, but the consideration of letting boards meet quorum should be considered. He states that he does not believe that people are inherently nefarious and trying to do bad things; rather, people do want to be on boards and want to serve.

Mr. Allison asked Mr. Pacheco if action needed to be taken on this topic. Mr. Pacheco stated no, not unless the Board wishes to remove someone who is already appointed. He suggests that the Agricultural Commission appointments will expire at the end of this fiscal year and that the Board might be more comfortable addressing the matter then. Mr. Pacheco has explained the situation to the Agricultural Commission, advising them that they should attempt to recruit more members.

Ms. Turner suggested amending the policy/procedure, either at this or at another meeting, to add "except at the appointing authority's discretion" or we could say "prefer not to" or the Board could invoke the Rule of Necessity for voting. She noted that perhaps instead of classifying committees as major and minor, perhaps committees could be classified as major or supporting. Mr. Allison asked Ms. Turner to mark up the existing policy and to send it to Mr. Pacheco, who will then distribute it to the other Board members for review and approval at the next meeting.

\*\*\*\* following items taken out of order \*\*\*\*

Mr. Allison noted that there are 15 minutes left in the meeting, and recommended that the Board prioritize remaining items to make sure that they get done tonight. First, most important thing is the resignation and then the second being, the North Lancaster settlement. He asked the Board their feeling on this. Mr. Moody noted that the Temporary Mobile Home permit was essential. The Board agreed to move to Licenses and Permits. \*\*\*\*\*

**Following agenda items were not discussed**

5. Discussion to make the Economic Development Committee a permanent committee. Vote may be taken (Moody)
6. Discussion - Electric Aggregation Agreement (Moody)
7. Site Walk – Keating (Moody)
8. Landfill mowing (Moody)

<b>VIII. APPOINTMENTS AND RESIGNATIONS</b>
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**Resignations**

Finance Committee – David DiTullio effective immediately.

*Mr. Moody moved to accept the resignation of David DiTullio from the Lancaster Finance Committee, effective immediately, with thanks for his years of service. Ms. Turner seconded. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*



Mr. Allison asked Mr. Pacheco to explain the process for appointing a new member to an elected Board. Ms. Turner noted that coming into budget season the Finance Committee would probably like a full board, suggesting that the Board request letters of interest to be submitted by November 9 so that a vote can be taken at the November 15 meeting, preferably in joint meeting with the Finance Committee. Mr. Allison stated that the Finance Committee needed to be part of the process and to provide the Select Board with their recommendations, so a vote should not be scheduled at this point, or until the Finance Committee has decided when they are going to meet. Ms. Turner would like to invite the Finance Committee to the meeting of November 15; Mr. Allison agreed that this would work. Mr. Pacheco will set this up.

## **IX. LICENSES AND PERMITS**

### **1. Town of Lancaster Application for use of Town Green/Gazebo**

- Annual Halloween on the Green to be held October 31, 2021, from 4:00pm to 8:00pm

*Mr. Moody moved to approve the Town of Lancaster application for use of the Town Green/Gazebo for the Halloween event on October 31, 2021, from 4pm to 8pm. Ms. Turner seconded. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

### **2. Temporary Mobile Home Permit**

- 207 White Pond Road

Mr. Pacheco explained that this permit request is due to a fire on the site. A mobile home is being put there while the house is being repaired. Tony is withholding Occupancy because technically Code requires the Board's approval before issuing an Occupancy Permit, so the family is currently staying in a hotel. Final Inspection and Electrical Inspection have been completed. Mr. Pacheco has no concerns.

*Ms. Turner moved to grant a Temporary Mobile Home Permit for 207 White Pond Road. Mr. Moody seconded. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0].*

## **X. OTHER/UNFINISHED BUSINESS**

- **Code of Conduct Policy**

The HR Director is currently compiling comments received into a document for the Select Board. This should be available for the Board's review in a couple of weeks.

- **North Lancaster Settlement**

Mr. Allison stated that when the Board last addressed the North Lancaster settlement agreement, about a month ago, the Capital Group gave us a letter saying that they wanted

to meet. We decided as a board not to assign a liaison and meet with them. He asked Mr. Pacheco for further updates.

Mr. Pacheco said that he has reached out to Capital Group, letting them know loosely what the Board's position is with regard to the settlement agreement and what the expectation is with a deadline tomorrow. He stated that he is sure there will be some correspondence from them tomorrow and it probably won't be a deed to the parcel. He advised that the Board can look at what they send, and at that point the Board can meet and decide what it wants to take for next steps. Mr. Pacheco continued, stating that as the Board has defined the situation, they now have, he thinks, grounds to initiate legal action if that's the course the Board wishes to take.

Ms. Turner asked Mr. Pacheco to quickly update the Board on what he said the Board's position was, stating that the Board did invite the Capital Group to any meeting and that the door was open, whether or not they were willing to come. She stated that the Board did offer that option. She wanted to know what Mr. Pacheco told them the Board's position was, because the Board has been pushing to get this done.

Mr. Pacheco replied that he told them that there was an expectation that this would be addressed before the deadline. He stated that they have some objections to some things that are in the agreement, that, in their opinion there are some items that the Town is not interpreting in the way that they would interpret them. He stated that they said that they would send some correspondence and that his response to the Board is that the Board needs to figure out how they want to respond to this. He again told the Board that he would have a response tomorrow. Ms. Turner clarified that Mr. Pacheco told the Capital Group that the Board expects the agreement to be completed as per the previous Board's agreement.

Ms. Turner asked about the previously discussed title issues. Mr. Pacheco stated that these issues have all been resolved and that the encumbrances are gone.

Mr. Moody stated that he thinks that the Board needs legal opinion to decide what to do. Mr. Pacheco replied that he had sent the Board an email today with regard to what Town Counsel was proposing. Mr. Moody stated that he had not seen it; Ms. Turner noted that it's difficult to look at material like this during a workday; Mr. Pacheco replied that he had sent it in response to an email that Ms. Turner had sent over the weekend. Ms. Turner stated that she will work with Mr. Pacheco and the Chair if there is a need to call an Executive Session. Mr. Moody stated that whatever kind of meeting it is that he wants Town Counsel to be present.

Mr. Allison reiterated that he thinks the Board making a mistake. He continued, saying that we have a landowner in town, who has said that they would like to meet. We decided not to meet with them, and then what we're going to do now is not meet with them and then decide if we're going to sue them. He said, "I just think that's really not the way to do business. I'm not saying Capital Group is right. I'm not saying that they don't owe us the land. But, as I said in previous meetings, I think our approach here is wrong, and if I try to put myself in their shoes, we're not we're not having any conversation." He continued,

stating that he still thinks that there should be a liaison assigned to go and speak to them, like any other business in town. He stated that this would be the professional way to handle the situation. He said that he will respect the majority decision, but that he would be remiss not to say that he thinks the Board is making a mistake in their approach.

Mr. Moody stated that the Board did not say that they did not want to meet with the Capital Group, asking if they had been sent a written invitation. Mr. Allison asked Mr. Pacheco if he had talked to Capital Group about setting up three sessions with them. Mr. Pacheco stated that Capital Group is very open to having a community forum. He said that in order to meet with the Select Board, he thinks that Capital Group is going to want to have an understanding of the parameters around the agreement. He stated that he guessed that their concern is that if this matter escalates to litigation, then there's no point getting in a room with the Board. Mr. Pacheco stated that from Capital Group's side he understands this, but he had explained to them that the town cannot understand where they're coming from based on the agreement before the Board. He explained further that some of the terms used are getting co-mingled, adding confusion, and that in the eyes of Capital Group, the whole process was designed around an ICOD approval. With that ICOD approval, all these things were supposed to happen. He said that he thinks that when Capital Group talks about zoning changes, this is they're talking about, and that perhaps when this was not approved, so that they're wondering that if they don't have a project, why would they be transferring land. In the agreement, there are maybe overtures of a larger project, but it is not cut-and-dried. Mr. Pacheco offered the opinion that getting into court rarely helps with issues like this, and that for the most part cooler heads can generally prevail. He suggested that there has been more finger-pointing than finding of solutions, and he believes that Lancaster is currently perceived as hostile.

Ms. Turner stated that it was said earlier that things get lost in the minutes, and that if Mr. Allison were to review the tapes, he would find that it was not true that the Board did not want to meet with Capital Group, and in fact, she could point out the exact point in the tape where Mr. Pacheco was asked to invite them in. She stated that there are two things, first, actually one of her agenda requests that has not been talked about, was to have roundtables or forums, and this needs to be fleshed out. Secondly, as far as speaking to the Capital Group, she thinks that they would welcome the opportunity to come in, and who better to tell their story than them, rather than listening to the Board talk about their intents. She continued, stating that she takes umbrage with Mr. Pacheco's characterization of Lancaster as hostile because it sets up as us versus them situation. People are asking good and tough questions. "There are people who are strong supporters like yourself, Jason, and others. To be honest, I think there's a lot of great potential up there. Lancaster should stop marketing itself as the town that is hostile and will take everything. I like to say we're a town well situated between major commuter routes, we have green fields, we have great schools, we've got good support, and a low commercial tax rate. We are a really great town and for a business, this is a perfect place to situate. Yes, something is going to happen up in North Lancaster. I think anybody is going to acknowledge that. We need to come together to shape this in a better way, not "why would anybody want to talk to us?" And not "you know nothing, absolutely nothing, is going in there." I don't think you see that. I think there's maybe 10% on either side, and 80% of the people are pretty reasonable. But if we

don't have conversations, if we're just sticking to our own sides, and we just keep on doing this, it's really frustrating. We need to get people in to talk." She stated, "Frankly, when the settlement agreement was struck I didn't like it, but I respect it, just like you do. Previous Boards of Selectmen struck this in an attempt to come together and get back taxes that hadn't been paid, and to get land that was important for conservation, and to allow people to get this parcel so they could develop." She continued, stating that this was designed as a pro development piece.

Continuing, Ms. Turner stated, "Whether or not they thought it would it was tied to some zoning, this is what this was new to us last meeting to meeting, so once we asked Orlando to get why they thought that, and to get us some feedback, and get us a letter. Well we haven't seen it, so all we can go by as what's written and we heard -- how many times we sat here and heard that the settlement agreement's almost done, it's almost done, it's just a title issue, it's just a title issue. Okay, finally, we got the title issue done, and that title issue was done in time to be signed. There was an extension, to be clear, so the extension ends tomorrow. How we go forward with that I don't know but I think this is just something that we have that change the dialogue on this, we have to be more inclusive, both for the Capital Group, and also for people who have really just concerns."

Mr. Moody would like a letter sent to Capital Group asking them to come to meet with the Select Board, with members of the Board copied. Ms. Turner stated that she had asked Mr. Pacheco to do that too. Mr. Allison asked Mr. Pacheco to send a written letter to the Capital Group, with copies to the Board, requesting them to

Jason Allison: All right, so uh Orlando, would you like to write them a written letter CC the board requesting them to come see the Board in open session to talk about Lancaster settlement agreement.

Mr. Pacheco said, "Consider it done." He stated that he sees some of the rhetoric, and that when Ms. Turner says, "Hey, you know, Orlando's being divisive," first of all, what he is trying to do is to project their concerns because both sides might need to change their dialogue a little bit. He continued, saying that the Capital Group has concerns that everything that they have proposed, in their eyes, the Town has said no to, and then people have made a number of ethical accusations against them. No one has ever provided any proof; everybody's just said things, so that is why their perception is that people are being hostile. These are very serious allegations. Mr. Pacheco stated that he does not think the Town is necessarily being hostile, but he thinks that there is real concern, adding that this is what happens with every development.

Ms. Turner stated that Mr. Pacheco's statement was divisive. He replied that he cannot let her say things like that about him without responding.

Mr. Allison recapped, noting that Mr. Pacheco will send the letter discussed, and reminding the Board members that the Capital Group has already sent a letter asking one of the Board members to meet with them. Ms. Turner stated that she never saw this letter; Mr. Allison stated that she had received it a month ago and that this was why he made the liaison

request.

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

No discussion or action.

- **Aggregation**

The Select Board has received a memo from the Energy Commission following their meeting with Colonial. Mr. Pacheco reports that he is expecting official pricing from various suppliers to service the aggregation load tomorrow. Mr. Pacheco advises that the best approach right now is a 12-month contract, at which point we could evaluate the impact of additional renewables. He noted there will be some “sticker shock” with the electric bills.

- **Gazebo Ramp**

Materials have been ordered and the goal is to have this completed by Halloween is on target. Mr. Pacheco reported that Dig Safe will need to be called for this project.

- **Status Barrett Planning Group**

Mr. Allison directed the Board’s attention to a memo from Mr. Pacheco on this topic. He notes that Mr. Pacheco is “trying to make it work” and that he was displeased with the way that the Planning Board Chairman had spoken to the Town Administrator. Ms. Turner asked that this discussion be continued at the next meeting so that she has an opportunity to review the material.

- **Audit Services**

Powers & Sullivan is under contract for the FY22 Audit. Mr. Pacheco reported that this is an exempt service but can do a quote. Ms. Turner would like to assemble an Audit Committee.

## **XI. NEW BUSINESS**

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

## **XII. COMMUNICATIONS**

➤ The Select Board’s next regular meeting will be held via Zoom on November 1, 2021, at 6:00pm

## **XIII. ADJOURNMENT**

Mr. Allison moved to table all remaining agenda items from this meeting to the next Regular Select Board meeting on November 1, 2021.

Ms. Turner asked Mr. Pacheco how this should work. Mr. Pacheco explained that there are no regulatory requirements to any of these items, nor is there an imminent deadline to any of them. He noted that, in fact, some items may be resolved prior to the November 1 meeting.



*Mr. Allison called for a vote. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Abstain. [2-0-1]. The motion passes.*

*Select Board member Alix Turner offered a motion to adjourn the meeting at 9:07 pm; seconded by Mr. Moody. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Respectfully submitted

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Jay M. Moody Clerk  
Approved and accepted:





**LANCASTER BOARD OF SELECTMEN**  
**Meeting Minutes**  
**Of Monday, November 1, 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/82629903076>  
Meeting ID: 826 2990 3076

Roll call was taken, Alexandra Turner, present, Jay Moody, present, Jason Allison present.

**II. APPROVAL OF MEETING MINUTES**

*Jay Moody moved to accept the Lancaster Select Board Regular Meeting Minutes of October 4, 2021. Alex Turner seconded the motion. Vote taken, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote Aye. Motion passed. [3-0-0]*

**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS – NONE**

6:10PM Public Hearing - Application for Sale of Motor Vehicles – Class I

Notice is hereby given that a Public Hearing will be held on **Monday evening, November 1, 2021, at 6:10 P.M., via Zoom, 701 Main Street, Lancaster, MA** on application of GPI MA-TVI, Inc., dba IRA Toyota Route 2, Inc., 700 Old Union Turnpike, Lancaster, MA for a License to Sell New Motor Vehicles (Class I). All persons interested in and wishing to be heard on this matter are requested to appear at the aforementioned time and place. Written comment will also be accepted up to time of said hearing. – Select Board

Mr. Moody read the notice of the Public Hearing into the record and moved to open the Public Hearing. Ms. Turner seconded the motion.

*Vote taken, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote Aye. Motion passed. [3-0-0]*

Town Administrator Orlando Pacheco explained that this is a transfer of an existing license to a new company. He noted the application has been reviewed by various departments and appears to be in good order. He would recommend approval.

Chairman Allison recognized Robert Kennedy representing the applicant, and opened comments to

the Select Board.

Ms. Turner noted there had been an email exchange about zoning requirements from Ryan Petchey, also representing the applicant. All questions have been resolved.

Mr. Moody asked the applicant if they operated other dealerships. Mr. Kennedy answered that Group One Automotive is a public company and has approximately 150 dealerships across the United States with about 30 in Massachusetts.

Ms. Turner asked if there were existing conditions as part of the permit. Mr. Pacheco noted that there are not conditions attached to a Class I license, although there are some restrictions on the property, particularly height requirement for signage. The current sign has a variance; the new applicant should be aware that they cannot go higher than the existing sign. This variance transfers with the property. He advised the applicant of same. Ms. Turner advised that in the future she would like this information included in her meeting packet. Mr. Pacheco noted that no negative comments were received from any department, board, or committee. No public feedback was received from residents.

Mr. Allison recognized resident Kathy Hughes. Ms. Hughes noted that she is a neighbor and that the area across the street from the dealership is an area of critical environmental concern, and she would ask that the applicant use environmentally friendly biodegradable soap when washing cars. Secondly, she expressed concern about any additional lighting.

Jon Zillioux responded for the applicant, stating that they have had the same concern at other locations and will use appropriate products. He does not foresee additional lighting.

Mr. Allison recognized Ladd Lavallee, 40 Fire Road 10. Mr. Lavallee recalls that when the dealership was originally built there was discussion about lowering the lights at night to reduce light pollution, although no solution ever materialized. He asks if this could be reconsidered.

Mr. Zillioux answered that they can definitely look at the situation, although it becomes a security concern. He will look into potential solutions.

Mr. Allison recognized Tom Christopher, 252 Fort Pond Road, Chairman of Lancaster Planning Board. Mr. Christopher noted that the prior owner had a complaint filed with the Conservation Commission relative to washing out of doors, with runoff going into retention basins. He asked that the new owners make sure that this is not a problem. Mr. Zillioux answered that there is now a car wash at the site so that washing is indoors with proper drainage to a tank that recycles the water.

Ms. Turner recalled that there had been past issues with parking not on the pavement, although this may have been solved by Mass. Soccer adding more parking. Mr. Allison asked that the Minutes of this meeting reflect that parking is limited to the paved areas. He asked that Mr. Pacheco attached a copy of special conditions for the permit to these Minutes.

Mr. Allison recognized Mr. Lavallee again. Mr. Lavallee noted that when the original dealership was permitted there were many promises that did not come to pass. There had been elaborate



landscaping plans, screening all cars from Route 70, as well as formerly mentioned lighting plans. Because of this, neighbors worry about “uncodified promises” but noted that he appreciated the current applicant’s willingness to consider issues. Mr. Zillioux responded that, without making promises, he will meet with their corporate security team and do their best to see what they can do, balancing requests with safety and security.

Mr. Allison recognized Kathy Hughes of 80 Fire Road 11, again. She noted that during the past weekend a car with temporary license plates was driving on the private roads across from the car lots on Route 70. She noted that these roads are not all paved and have mud and potholes. She wanted to warn the new owners that these roads are private and are unsuitable for test drives. Mr. Zillioux will advise the staff at the dealership.

Mr. Moody moved to close the public hearing. Ms. Turner seconded. *Vote taken, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote Aye. Motion passed. [3-0-0]*

Mr. Moody moved to approve a Class I license to sell new motor vehicles to expire December 31, 2021. Ms. Turner seconded.

Ms. Turner wanted to make sure that we do refer back to the original site plan approval and the previous permits. She questioned the date of the permit; Mr. Pacheco advised that because permits run on a calendar year this would expire December 31, 2021, and then would become part of the annual renewal list.

Mr. Pacheco commented that relative to Ms. Hughes earlier comment about runoff, something to think about might be making sure that Mass. Youth Soccer uses environmentally appropriate fertilizer, because phosphorus from fertilizer that run off tends to be more harmful for the ponds area than anything. Ms. Turner agreed that this should be looked at; Mr. Allison asked her to bring this topic up for a future agenda.

Ms. Turner moved to amend the motion to include original conditions from the site plan approval and the existing conditions of the previous owner’s permit. Seconded

*Vote taken on the amendment, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote Aye. Motion passed. [3-0-0]*

*Vote taken on the amended motion, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote Aye. Motion passed. [3-0-0]*

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6:30PM Interview – Community Development Planner Director

6:30 pm - Jasmin Farinacci  
7:05 pm – Christopher Sullivan  
7:40 pm - Marc Resnick

Mr. Allison reviewed the process for the Community Development Planner Director interviews. Candidates will be invited to make an introductory statement. Then each member of the Select Board will ask up to three questions. When that is done, the candidate will be asked to leave the Zoom meeting and the next candidate will be interviewed. When all three interviews are complete, all candidates are welcome to re-join the meeting and the Select Board will deliberate.

The first candidate was Jasmin Farinacci. Ms. Farinacci has been in planning for eight years. She began working for a civil engineering firm, then moved to a position of unofficial assistant planner in Wareham, then moved to Bridgewater. She is currently enrolled at Arizona State University where she is finishing her urban planning degree.

The second candidate, Christopher Sullivan has been involved in Planning for about 20 years and has a degree in landscape architecture. He has worked as an environmental planner, a recreation planner, and most recently as a Park Planner for the City of Manchester. He has worked as a Conservation Planner and has served on a Planning Board and a Capital Improvements Commission. He has done historic restorations and renovations, including helping to restore the Titanic Cemetery for the City of Halifax.

The third candidate, Marc Resnick, has been buying and rehabbing houses for five or six years and would like to go back to city planning, which he has done successfully for many years, including positions in Foxborough and Brockton.

Questions asked by the Select Board included:

- How would the candidate balance the need for commercial development with protection, such as the ACC? (Turner)
- How does the candidate stay up to date with innovations in the planning field? (Turner)
- What ideas would you share with Lancaster's boards and committees? (Turner)
- Describe your experience developing and writing grant applications. (Moody)
- The Planning Director also works with the Community Preservation Committee. Please talk about your knowledge and experience working on an Affordable Housing Plan or Open Space Plan. (Moody)
- Have you worked with CPA? (Moody)
- Please talk about your regional planning experience. (Moody)
- We've all worked with a board, or with an individual on a board, where the relationship has been "rocky." Please share an experience like this and how you handled it. (Allison)
- Please share an experience in which you held a public meeting which helped develop or address issues regarding land use or community plans. (Allison)
- How do you organize, plan, and prioritize your work? (Turner)
- I think it's important to have a group that includes Planning Board, Conservation, the Building Inspector, the Fire Department, and the Planner meeting on a regular basis. Do you think this is a good idea? (Moody)
- What would you see as your greatest challenge if you moved into this position? (Moody)
- Provide an example of a time when you were able to demonstrate excellent listening skills and, with specific examples, what was the situation and outcome. (Allison)

\*\*\* TAKEN OUT OF ORDER \*\*\*

Having extra time after Ms. Faranaci's interview, the Select Board addressed a later topic on the agenda,

- Common Victualler License – GPI MA-TVI, Inc. dba Ira Toyota Route 2, Inc. 700 Old Union Turnpike

Mr. Pacheco explained that this was a transfer of an existing license from Prime Toyota to GPI, the new owners of Ira Toyota, for a food service area in the dealership lobby. Ms. Turner moved to approve the Common Victualler License for GPI MA-TVI, Inc. dba Ira Toyota, to expire December 31, 2021. Mr. Moody seconded.

Mr. Pacheco verified that there are no known issues with this license.

*Vote taken, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote Aye. Motion passed. [3-0-0]*

\*\*\* TAKEN OUT OF ORDER \*\*\*

Having extra time after Mr. Sullivan's interview, the Select Board addressed a later topic on the agenda:

Resignations

Plumbing Inspector – Thomas P. Soldi

Appointments

Plumber and Gas Inspector – Kenneth Poulin Jr.

Community Preservation Act Committee

- Linnea Lakin Servey - Resident at Large
- Barbara Foster – Housing Authority
- C. Peter Christoph – Planning Board.

*Mr. Moody moved to accept the resignation of Plumbing Inspector Thomas P. Soldi. Ms. Turner seconded. It was confirmed that Mr. Soldi has had an interview with Sandi Charton, HR Director. Vote taken, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote Aye. Motion passed. [3-0-0]*

Mr. Moody moved to appoint Kenneth Poulin Jr., currently the Assistant Inspector, as Plumbing and Gas Inspector; Ms. Turner seconded. Ms. Turner would like to get input from the new Building Inspector since this position will report to him. After discussion the Select Board decided to table this appointment until the Building Inspector has had an opportunity to meet with Mr. Poulin.

*Ms. Turner moved to table; Mr. Moody seconded. Vote taken, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote Aye. Motion passed. [3-0-0]. This will be revisited at the next regular Select Board meeting.*

The Select Board moved on to consider appointments to the Community Preservation Act (CPA) Committee. Mr. Pacheco confirmed that the Committee, by statute, should include representatives

from the Planning Board, Conservation Commission, Historic Commission, Parks Commission (Recreation), Housing Authority, and two at-large members who do not serve as appointed or elected officials. All terms are three years.

Ms. Turner raised an issue with the Cultural Council. She explained that today is the deadline for appointments to this board and that they stand to lose money, about \$8,000, if these appointments are not made because a quorum is needed and the Cultural Council currently has only three members. She notes that Emily Taylor sent in an application two or three weeks ago and that Peter Christoph had applied a month or two ago. Mr. Allison asked Ms. Turner, since this item was not on the agenda, to discuss it under the "New Business" category later in the meeting.

*Mr. Moody moved to appoint C. Peter Christoph as the Planning Board Representative to the CPA Committee with a term to expire in three years. Ms. Turner seconded.  
Vote taken, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote Aye.  
Motion passed. [3-0-0]*

*Mr. Moody moved to appoint Barbara Foster as the Housing Authority Representative to the CPA Committee with a term to expire in three years. Ms. Turner seconded.  
Vote taken, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote Aye.  
Motion passed. [3-0-0]*

*Mr. Moody moved to appoint Linnea Lakin Servey as an at-large member to the CPA Committee with a term to expire in three years. Ms. Turner seconded.  
Vote taken, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote Aye.  
Motion passed. [3-0-0]*

Mr. Pacheco advised the Board that applications were received for another at-large member to the CPA committee, the Conservation Commission, and the Historic Commission, but were received after the agenda was closed, so these appointments will be scheduled to be on the agenda for the next regular meeting of the Select Board. Mr. Pacheco will follow up with the Recreation Commission.

\*\*\*\*\*

Following the third Planning Director candidate interview, all three candidates were invited back into the Zoom meeting. Mr. Allison thanked the search committee and thanked the candidates for applying. The Select Board deliberated, agreeing that all candidates were strong.

*Mr. Allison moved to appoint Jasmin Farinacci as Planning Director, contingent on completing successful contract negotiation. Mr. Moody seconded. Vote taken, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote Aye. Motion passed. [3-0-0]*

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

- Planning Board Chair Russ Williston to discuss Hawthorn Hill Planning Board Memo



Mr. Williston, Chairman of the Planning Board, sent the Select Board a memo regarding the Hawthorn Lane subdivision. Mr. Allison asked him to summarize this and to explain what action he would like the Select Board to take.

This subdivision of 11 homes was approved in 2016 by the Planning Board. It was approved with a flexible development special permit, allowing smaller than normal in exchange for designating 40% of the whole development as open space. This open space is required in Lancaster's bylaws to be either conveyed to the Conservation Commission or restricted for conservation and then conveyed to a homeowner's trust or a nonprofit so that it's never built on in the future. This did not happen.

They subsequently required a water pump station for this development, to provide adequate pressure to these 11 homes. It was built on the open space (shown on map) and it serves 11 or 13 homes, all together, in the cul-de-sac. A condition in the approval required that the homeowners in the subdivision all become owners of a Homeowner's Association (HOA). That was not done. The developer did show a trust declaration to the Town Counsel and Town Counsel turned it back with corrections and it was never returned to him. The Building Inspector issued permits and the homes have been sold.

Today there are outstanding issues with heavy equipment left on the cul de sac, running generators, and neighborhood complaints. The Planning Board has taken the Homeowners' trust that does exist and is registered and sent it to Counsel with the help of Mr. Pacheco. Town Counsel has agreed that this document is insufficient and was never approved by Counsel or the Planning Board. Town Counsel recommended that the Town stop reducing the performance bond on this development; the Planning Board did this during the summer.

Mr. Williston asks the Select Board to review the documentation and become aware of the outstanding issues, because this issue may end up needing resolution at Town Meeting. Mr. Allison asked Mr. Pacheco to formulate a memo of his understanding of the situation for distribution to the Select Board and the Planning Board, in order for them to determine next steps.

Lengthy discussion was held. Several differences of opinion were brought forward. It was proposed that Mr. Moody serve as a liaison on this project and that the Board will consider the options in another month.

*Mr. Allison moved to appoint Mr. Moody as liaison; Ms. Turner seconded. Vote taken, Jason A. Allison vote Aye; Jay M. Moody vote abstain; Alexandra W. Turner vote Aye. Motion passed. [2-0-1]* It was discussed and determined that Mr. Moody will have access to Town Counsel as needed.

#### **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.

Dear Select Board, I respectfully attach a public comment letter that I ask to be read in November 1, 2021 Select Board meeting. I would prefer that it gets read before finalizing any decision to have and when to have a Special Town Meeting, Sincerely, Rob Zidek.

We, the voting residents in Lancaster request that you abandon all efforts to encourage, to plan, and to execute what will be an extremely hazardous and arguably unnecessary Fall Town Meeting. The impetus behind this meeting is an October 18, 2021 letter from Mr. William A. Depietri, who is the agent for 702 LLC and the President of Capital Group Properties, LLC, which are the companies that respectively own and plan to develop the land at the McGovern Boulevard project. Paraphrasing that letter, specifically the final concluding paragraph, Mr. Depietri demanded that, one, the town of Lancaster conduct a Town Meeting no later than February 2022 approximately, 60 days from this writing, with many holidays in between, and two, the town residents vote to approve a massive rezoning change in the McGovern Boulevard area that accommodates their i.e., 702 or Capital Group desires. Their recourse, if this does not happen in that area, is to develop that area in accordance with its existing zoning, a right that they already have and will continue to have. During the Select Board meeting on October 26, 2021, Mr. Depietri claimed that this quick turnaround is essential to the Capital Group, because their most sought after future tenant, the Target Corporation, is expressing impatience. Because this rezoning will have both high potential and high risk to all of Lancaster there are at present, many questions and issues to which resolution is absolutely essential. Answering these is imperative, because all of us must be fully aware of the complete picture in all aspects of this project and each of us must possess all of the relevant facts, understand all of the implications, and manage all of the risks, so we can vote on this historically critical matter with confidence. It is impossible to get even a small percentage of these issues resolved in less than two months, moreover, the list of concerns is growing faster than they are getting resolved. Sadly, key people in our town leadership repeatedly express their personal passion for this rezoning. Are your platforms to push really hard for residents to comply with Capital Group's rezoning demands? And, rather than postpone this critical and possibly irreversible vote to the Annual Meeting in the much warmer month of May, which is when important decisions like this are supposed to happen, our leadership is relentlessly pursuing a rush to a Special Town Meeting, in the next holiday filled weeks ahead. Considering that it will be too cold to schedule an outdoor meeting during which many cars would have to be idling and emitting deadly carbon monoxide, considering it will be dangerously unsafe to congregate indoors because the voter turnout may likely break records, making safe distancing for potentially infectious persons impossible and considering the failure of this issue to qualify as a town-wide emergency, we emphatically ask that the Select Board protect our health, protect our well being, and protect our lives by abandoning all plans with seemingly risky needed special town meeting. Respectfully, Rob Zidek, 103 Kalava Road

Dear Select Board members, please read this letter during the public comments section of the Select Board meeting on November 1. We, the undersigned, strongly believe that the town of Lancaster should not be holding large indoor gatherings of any kind, due to the current high COVID-19 transmission rates in Worcester County. The current CDC guidelines that apply to Worcester County are to follow masking and social distancing in indoor settings, and for those who are at higher risk to completely avoid indoor meetings. Asking residents to gather would unfairly discriminate against certain town resident populations and would prevent them participating in this important decision-making process. While other towns may have vaccination rates that make indoor meetings more feasible, Lancaster's rate remains low at about 53%. We would urge the Select Board to delay any large gathering including a Special Town Meeting to when outdoor meetings can be

held comfortably and safely, and local covert transmission rates are back down below high. We further request the Select Board ask the Lancaster Board of Health to render an opinion as to whether an indoor Special Town Meeting is in the best interest of the citizens of Lancaster, given the current transmission rates and vaccination status. Sincerely, Lois Wortley, 192 Fort Pond Road, Tim Wortley, 192 Fort Pond Road, Julie DeBono, 226 Fort Pond Road, Greg Debono, 226 Fort Pond Road, speaking as private citizens.

Mr. Allison recognized speaker Kathy Hughes.

Hi, Kathy Hughes, 80 Fire Road 11. I do agree as well that it is unsafe to have a Town Meeting in the event, with the vaccination rates of the town beings as low as they are. Secondly, though, and probably more important to me at the moment is we do seem to have quite a few questions. It's been nice to be able to ask the Capital Group about this development in North Lancaster. However, a number of those questions that I have or that are growing in my mind really are should be addressed to The town, and sort of given the debacle at Hawthorne I do worry that the Town is not equipped, perhaps with its current staffing, to be able to address a Town Meeting, to be able to address the concerns of such a massive project. So I would ask the Select Board that they organize a number of department heads, including the fire, the police, the assessors, all to attend a panel meeting, where the town can actually address the panel and ask questions of the Town, so that we can be assured the Town will be supported properly to be to be able to deal with any such massive development. Thank you.

Next Mr. Allison recognized speaker Karen Caviolli.

Hi, Karen Caviolli, 117 Fire Road 11. Mine sort of piggybacks on that. Something that's come up in the last couple of meetings is the fact that first we heard that the warehouse was going to be two shifts from seven to 11pm and Bill Depietri said it was going to be 24 hours so 24/7, I'm sure 365 days a week, which is very scary. It was mentioned, there might be some ordinances limiting that but I've looked through what I can see on the website and I'm just wondering how we can find out if there are limits, and if they're not it's a really scary proposition to have that going on 24/7 in our backyard, thank you.

Mr. Pacheco noted that he has not found anything in the bylaws and that Bill DePietri said not 24/7, but two 10-hour shifts. Mr. Allison cautioned against responding to Public Comment and noted that there are three minutes left in the meeting.

Mr. Allison recognized Martha Moore; Ms. Moore was not heard, so Mr. Allison moved on, recognizing Anne Ogilvie.

Ms. Ogilvie said, "Thank you, Mr. Chairman and hello, I offer public comments tonight on items within Section seven and ten on the agenda. Regarding agenda item seven number one, the proposal to make the Economic Development Committee a permanent committee, I think that there have been significant issues with this committee from the perspectives of both residents and the Select Board. I propose that, since the Select Board Chair proposed on October 18 to disband the committee, that more time is needed to assess the performance of the committee before making it permanent. Perhaps Select Board members might set a 12-month timeline to evaluate the progress

that committee has made with regard to economic development in Lancaster, and determine at that time whether to make this committee permanent, disband it, or re-evaluate their charge. Regarding agenda item 10 Unfinished Business, I respectfully request that the Select Board and Town Administrator provide an update on the North Lancaster land agreement. The Town Administrator received a letter from Capital Group Properties dated October 18, two weeks ago, alleging multiple failures of Lancaster Town Counsel to properly execute the four-year-old agreement. This letter is available on the Affordable Housing Trust website. We've not yet seen any movement by the Select Board in two weeks to address this letter, meanwhile, one public meeting with the developer has been completed last week, and there is another one planned for tomorrow. Last week, residents were interrupted when asking specific questions about the agreement at the showcase with the developer. If indeed the town's agents did not meet the deadlines articulated in the agreement, then residents deserve to know and I would hope to see Executive Session scheduled to fully understand what happened and what recourse, the town may have. I respectfully request that before the Select Board continue with any public meetings focused on the developer's proposed new projects that this outstanding piece of old business is thoroughly addressed, thank you.

## **VI. TOWN ADMINISTRATOR REPORT**

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

- CARES ACT Spending Follow up
- Devens HHW Audit/Assessments
- DOT Shared Streets Completion
- ARPA Small Business Loan Program

The Town Administrator's Report was not presented or discussed at this meeting.

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

1. Tabled agenda item 10/18/21 - Discussion to make the Economic Development Committee a permanent committee. Vote may be taken (Moody)
2. Tabled agenda item 10/18/21 - Electric Aggregation Agreement (Moody)
3. Tabled agenda item 10/18/21- Site Walk – Keating (Moody)
4. Tabled agenda item 10/18/21 -Landfill mowing (Moody)
5. Discuss a date for Fall Town Meeting (Moody/Allison)

Mr. Allison noted that there was one minute left in the meeting and that this would allow the Board to discuss one more item. He requested that they discuss a date for a Special Town Meeting, potentially February 15, 2022. He asked Mr. Pacheco for input. Mr. Pacheco answered that from a financial perspective this would be ideal, and from a land-use perspective, which has its own timeline. *Mr. Allison moved to schedule a Special Town Meeting for February 15, 2022. Ms. Turner*

*seconded for discussion.*

Ms. Turner suggested that the Board of Health needs to play a role in determining the space and structure of the meeting, as well as local cable for sound and technical support. She noted that she understands people's concerns about getting together but noted that there may need to be action on DCAMM sooner than February. She went on to say that there is a cost and a time for calling a Town Meeting for even the small items, and while she hesitates to do so, it may need to be done. She asked Mr. Pacheco if there was anything in the budget that would need to be addressed before the end of the year. Mr. Pacheco answered not by the end of the calendar year, but there are items that will need to be addressed before the end of the fiscal year. He explained that part of why mid-February would be a good choice would be that the Town will already be involved in the FY23 budget cycle and will be in a better position to close out the current year's books.

Ms. Turner said that the Board needed to have a more comprehensive discussion. It was confirmed that a Special Town Meeting legally must be posted for 14 days. Mr. Moody thinks that until we know where we're going to do it, there's a problem.

Mr. Allison stated, "This Board, in my opinion, needs to figure out if it's going to be a Board of action or inaction. So, I've been working with Orlando to try to figure out when we can have a Town Meeting. February 15 is months away and we have lots of time to figure out the articles, we have lots of time to figure out and to debate what's going to be on it, meet with the Board of Health. We've got lots of time to cancel it, but I really don't want to send a message to residents and to potential development partners that that we are dragging our feet. So, I get that people may feel that this is a quick request, but I think we've been talking about this for months. It has been on the agenda here for multiple days. Everyone's had an opportunity to ask any questions to Orlando, or any questions to anybody, so I'm prepared to vote on it. But I will go with my teammates and what they want to do. So that's the only discussion I have, so let's take a vote, unless there's a an amendment or a subsidiary motion someone would like to make. OK, so the motion on the floor is to schedule for Special Town Meeting on February 15.

Ms. Turner voted no because she does not think it's quick enough to take action on DCAMM.

Mr. Moody asked what day of the week February 15 fell on. Mr. Pacheco replied that it was a Tuesday; most town meetings are held on Mondays but he was trying to avoid Valentine's Day. Mr. Moody noted that the 40R should be ready by that point. Mr. Pacheco thinks the 40R will be ready before that, but he was thinking of closing out the books with the DOR (Department of Revenue). That would probably be done by the end of the calendar year, so we would have time to make the necessary adjustments to the operating budget and have that ready for February.

Mr. Moody asked when the school boiler replacement needs to be addressed. Mr. Pacheco explained that there are temporary solutions in place but that would definitely be an article.

Mr. Moody stated that he would vote for the February 15 meeting, understanding that it could always be changed.

*Vote taken, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote No. Motion passed. [2-1-0]*

6. Discuss potential Select Board articles for Fall Town Meeting (Moody/Allison)
7. Incentivize residents to get Covid vaccine. (Allison)
8. Create link on website for public comments (Allison)
9. Create email address regarding North Lancaster public comments (Allison)
10. Limit written public comment to 3 minutes (Allison)
11. Honor 2021 retiring police officers (Turner)
12. Perkins School - status and plans (Turner)
13. Department of Public Works (DPW) to make priority for water (Moody)

## **VIII. APPOINTMENTS AND RESIGNATIONS**

\*\*\* TAKEN OUT OF ORDER; Addressed earlier in meeting \*\*\*

### Resignations

Plumbing Inspector – Thomas P. Soldi

### Appointments

Plumber and Gas Inspector – Kenneth Poulin Jr.

Community Preservation Act Committee

- Linnea Lakin Servey - Resident at Large
- Barbara Foster – Housing Authority
- C. Peter Christoph – Planning Board.

## **IX. LICENSES AND PERMITS**

\*\*\* TAKEN OUT OF ORDER; Addressed earlier in meeting \*\*\*

- Common Victualler License – GPI MA-TVI, Inc. dba Ira Toyota Route 2, Inc. 700 Old Union Turnpike

## **X. OTHER/UNFINISHED BUSINESS**

- **Vaccine Mandate Policy**
- **Hybrid Select Board Meetings**  
Town Administrator Pacheco was tasked to put together a proposal on how the Select Board Could approach some sort of hybrid meeting.
- **Code of Conduct Policy**  
The HR Director is currently compiling comments received into a document for the Select Board. This should be available for the Board's review in a couple of weeks.



- **North Lancaster Settlement**

The Board has received a letter from the Capital Group outlining the North Lancaster settlement and requesting a meeting. Mr. Allison suggests assigning a liaison to Capital Group to meet with the landowner(s) and the developer who could be a facilitator, and who could engage with all parties on a regular basis. Ms. Turner expressed frustration that the project has taken so long to get to this point. Mr. Allison would like to be considered for the liaison role. Mr. Moody discussed how well the Affordable Housing Trust has worked with the Capital Group to jointly plan for the residents of Lancaster to bring about items from dog walking areas and playgrounds to lower rates on affordability. No conclusion was reached; Mr. Allison asks that this item is left on the agenda, but he will not bring it up again.

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

Addressed in earlier presentation

- **Aggregation**

The Select Board has received a memo from the Energy Commission following their meeting with Colonial. Mr. Pacheco reports that he is expecting official pricing from various suppliers to service the aggregation load tomorrow. Mr. Pacheco advises that the best approach right now is a 12-month contract, at which point we could evaluate the impact of additional renewables. He noted there will be some “sticker shock” with the electric bills.

- **Gazebo Ramp**

Materials have been ordered and the goal is to have this completed by Halloween is on target. Mr. Pacheco reported that Dig Safe will need to be called for this project.

- **Status Barrett Planning Group**

Mr. Allison directed the Board’s attention to a memo from Mr. Pacheco on this topic. He notes that Mr. Pacheco is “trying to make it work” and that he was displeased with the way that the Planning Board Chairman had spoken to the Town Administrator. Ms. Turner asked that this discussion be continued at the next meeting so that she has an opportunity to review the material.

- **Audit Services**

Powers & Sullivan is under contract for the FY22 Audit. Mr. Pacheco reported that this is an exempt service but can do a quote. Ms. Turner would like to assemble an Audit Committee.

## **XI. NEW BUSINESS - NONE**

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

## **XII. COMMUNICATIONS**

- Select Board Special meeting will be held via Zoom on November 2, 2021 at 6:00pm.
- Town Offices will be closed on Thursday, November 11, 2021 in observance of Veterans Day
- Select Board’s next regular meeting will be held via Zoom on November 15, 2021 at 6:00pm.

## **XIII. ADJOURNMENT**

*Mr. Allison moved to table all outstanding items on this agenda to the next regularly scheduled Select Board meeting.*

Mr. Pacheco asked if the Board was okay using the existing Town Administrator (TA) report, available for anyone to read online, rather than re-submitting for the next meeting. Ms. Turner stated that she can ask her questions next time. Mr. Allison suggested that if the Board members have any questions about the TA report that they should reach out to Mr. Pacheco this week.

*Ms. Turner seconded the motion but had a question. She stated, "While I respect and really appreciate the fact that we're ending at nine o'clock and I think we're more effective when we're refreshed, we are letting too much stuff go. So either I would suggest that for under new business either think about doing more meetings or longer meetings or some other alternative."*

*Vote taken, Jason A. Allison vote Aye; Jay M. Moody vote Aye; Alexandra W. Turner vote Aye. Motion passed. [3-0-0] All outstanding agenda items will be moved to the next agenda.*

*Select Board member Jay Moody offered a motion to adjourn the meeting; seconded by Ms. Turner.*

Ms. Turner would like to discuss extending meetings or having additional meetings, asking Mr. Allison how to make that an agenda item. Mr. Allison apologized for keeping everyone ten minutes late.

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

Respectfully submitted

Kathleen Rocco  
Executive Assistant

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Jay M. Moody Clerk  
Approved and accepted:



**LANCASTER BOARD OF SELECTMEN**  
**Special Meeting Minutes**  
**Of Monday, October 26, 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/89506011678>  
Meeting ID: 895 0601 1678

Roll call was taken, Alix Turner, present, Jay Moody Present, Jason Allison present.

**II. APPROVAL OF MEETING MINUTES - NONE**

**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

1. Meet with Capital Group to discuss the following:

- North Lancaster development
- North Lancaster Settlement Agreement

Mr. Allison reviewed the format of this meeting so. He explained that as posted, Lancaster submitted questions to Capital Group to be answered in this meeting. The two topics for consideration are shown as part of the agenda. Capital Group will answer the questions submitted. Once that is complete, we will move on to the remaining items of the agenda and, as noted, as part of the meeting notification, this will not be the only time residents will be able to submit questions.

Capital Group introduced their staff members present to answer questions, and confirmed that they had received the questions that had been submitted. Mr. Allison noted the timeframe to submit questions had been very short, so some resident questions might not be addressed at this meeting, but the Select Board plans to hold additional meetings so that there will be additional opportunities to ask questions.

*Question 1: Why did Target choose this location, since the existing infrastructure, ramps, and bridges are less than ideal? What is the Master Plan for this buildup?*

Response: The State has already kicked off the redesign of two or three of the exits off of Route 2 and this has been in the works, long before we got involved with the purchase of the property in North Lancaster. The state realized that development was heading west on Route 2 and they needed

to improve the existing ramps and exits. So it's not that the property is less than ideal. The State is doing some, and Capital Group has agreed to do some mitigation as well on one of the exits off of Route 2. Capital Group has agreed to the widening of Route 70 at McGovern Boulevard and has agreed to signals at McGovern Boulevard. The state is also putting signals at Route 70 and 117, and 117 and Seven Bridge Road. Some of this is due to the project currently being discussed, but some of this other stuff has been in the works for years before Capital Group was involved here. The State aware of our project there, they're aware of the traffic study, they've seen it, they've commented on it. We had our own traffic study done, the Town had a peer review, Target had a peer review. The state has reviewed it, and they're going to further review it when we file the final MEPA application.

*Question 2: Is CGP Target willing to offer guaranteed minimum tax revenues?*

Response: It really doesn't work that way. The town has an Assessor. When the buildings are built, they assess the property for what they think the value is, and it's taxed at the Town's tax rate. We don't really want to get into a guaranteed minimum; I don't think there's any mechanism that even allows that. The onus is going to be on the Assessor to properly tax the buildings and the bills you send them they get paid. We do believe that our estimates that we have given are accurate, based on current properties that are being assessed in the Town of Lancaster. No one has ever said anything otherwise, so, to this day, we believe that they are accurate, based on existing valuations that the current Assessor has given other parties in the town.

*Question 3: Is the warehouse guaranteed for one tenant (Target) on a long term lease or might the occupants of the development vary?*

Response: There are multiple buildings within the plan. Building A is the first building that we're proposing. It is a single user building, and Target is a tenant. It's a long term lease. The other buildings, some of them could be multi-tenant, some could be single tenant. We're working on that, but we don't know that at this time. Right now, we're focused on Building A.

*Question 4: Is this a fulfillment center proposed build for Target?*

Response: The answer is yes.

*Question 5: Will this Target fulfillment center be of a type last mile sortation or non-sortation?*

Response: This is a store replenishment facility so the product comes in, in bulk. It gets broken down and shipped out to the various stores in New England.

*Question 6: How many shifts per day will there be at the Target Distribution Center?*

Response: Two shifts are required, at 10 hours per shift, with a three to four hour break in between, for maintenance, downtime, and cleaning.

*Question 7: Will Target operate its own fleet of trucks at the Fulfillment Center?*

Response: No, they sub out all of the incoming trucks, or the majority of the incoming trucks and the majority of the outgoing trucks. They are subcontracted out. They will have some trailers and tractors here within the site to move around, but the majority would be subcontractors.

*Question 8: Will CGP provide a response to the Vanesse traffic report study?*

Response: This was sent to the chair of the EDC today. We just got it yesterday.

*Question 9: What recourse can CGP ensure for the town if the truck and passenger traffic is greater than before?*

Response: As I stated previously, we hired a traffic engineer. They are licensed in the Commonwealth of Massachusetts as well as many other states. The town Vanesse to do a peer review. Target has done a peer review and the state has looked at it and they will continue to look at it during the MEPA process. The figures that we've used, I want to say, are extremely conservative; the Town's own traffic consultant stated that. But let's say that something else happens. If there needs to be tweaks or changes to existing signals and road improvements, we're willing to make them. It does us no good, the tenants no good, and the project no good if we can't get vehicles in and out in a timely fashion. The success of the tenants and the project is only as good as the flow of the traffic coming in and out.

*Question 10: What is the CGP's plan to reconcile the traffic study peer review proposed of .31 trips per day, while the Institute of Transportation Engineers trip generation manual shows .58?*

Response: I'm not sure where this .31 came from. I spoke with our traffic engineer today, and he is unaware. It wasn't in the Vanesse report, so we're going need some more info but I'm going to refer back to the same answer as Question 9. Part of the Institute of Transportation Engineers Trip Generation is that you don't know who the tenants are, and you don't know what type of tenants will be using the facility. In this case, we know who the tenant is, and we have existing trip counts from other facilities across the country. When you don't have this information you use the ITT stuff. We have it, which makes it much more accurate.

*Question 11: Would Target agree to utilize diesel exhaust filters for trucks entering and exiting the Fulfillment Center and would they be willing for this to be a requirement of occupancy?*

Response: Again, the majority of Target's truckers are subcontractors. They have to meet state and federal emission codes.

*Question 12: What is CGP/Target's proposal to mitigate idling and reinforcement of no idling rules?*

Response: Again, the state rules would have to be met. I think it's a five minute time at the most. If they're not meeting that, this is something that the town would enforce through the Building Department. We're dealing with Target; it's a public company, they're a national company. They want to be a good neighbor. They're a green company, and they want to continue to expand on being green. If you've got trucks idling longer than what the code requires, I think it goes against what they're trying to be, and how they want to present themselves. I don't see this being a problem. The way it works is, it's a very detailed schedule as to when the truck shows up, how long they have to unload, and how much time they have to get off the site. There aren't just trucks sitting there waiting to get a loading dock. They don't show up the morning, they show up spread out during the day, at a certain time slots. They have to meet this time slot. If they don't meet it, they get turned around, sent back out, and they come back the next day, or the day that they're next scheduled. This isn't how it used to be, 15-20 years ago, when everyone showed up and sat there waiting all day to get unloaded. It's a very orchestrated systematic program that they've got in place. This isn't the first one. They have many of these throughout the country. They've got it dialed in.

*Question 13: What is CGP/Target's proposal to mitigate potential vehicle queuing outside the property at McGovern and Route 2?*

Again, it goes to my answer to number 12. We've also done some simulation programs and worst case, where the first rotary leads to the guard house, there are double and triple stacking lanes. That's where the trucks scheduled to come in wait to get checked in. They go by the guard shack and then pull the truck around, drop it off at one of the bays, and then they leave. There is no way traffic is going to get beyond that rotary or it's going to mess up the traffic flow of the entire project. We've done tracking studies and analysis as well, and we have two lanes coming in with one lane going out to alleviate any queuing before it hits that Rotary.

*Question 14: Do you have any concern with the health risks of having residential housing so close to the Target Distribution Center?*

Response: I didn't really know how to answer that question because I'm not sure what health risks they're referring to. They never really list any, and I couldn't really think of any. I can tell you that we looked at a couple other facilities. One of them, a Walmart distribution center, is in Raymond, New Hampshire, which is 2.6 million square feet. (See attached slide used to show how close residential housing is to the project.) So this is the Walmart one, similar to what we have, all this is under one roof; they are at 2.6 million square feet; our project is 2.4 million square feet. You can see the cul-de-sac with five or six houses, similar to the situation at White Pond. Someone, I'm not sure who, maybe a member of the EDC or the Affordable Housing Trust, reported over the weekend that she had done some "intel," spoke to people in the area, and reported nothing negative. (See aerial photos of Uxbridge project).

*Question 15: What mitigation strategies is CGP planning to help to alleviate health risks with a Distribution Center being so close to residents?*

Response: See #14; I'm not sure what health risks they're talking about.

*Question 16: Is CPG final MEPA filing complete?*

Response: It's substantially complete. We're just tweaking it and waiting to see whether we go with option A or option B before making the final filing.

*Question 17: Why hasn't North Lancaster LLC completed the 87 acre land transfer yet for the agreement made with the town in October 2017?*

Response: There was a detailed letter that was sent to the town on our July 18. It went to the Town Administrator. I assume has been made public. It went into detail as to the events that occurred and why the land has not been transferred as of this date.

*Question 18: With the various plans that have been presented to date, how do we know that the current pause plans are for the McGovern Boulevard site? If the plans are revised will the traffic study and fiscal impact report be updated to take the changes into account?*

We know that the first phase, which is Building A, is the Target building. We've done the traffic based on that and other anticipated uses for the other buildings. The fiscal impact report is based on the target and projected use it for the other buildings. When we go before the Permitting issuing authority for the other buildings, if the uses are different than what we proposed in the traffic study and the fiscal impact reports, we would then have to update the traffic study and have the fiscal impact report updated to reflect the changes and uses. We don't anticipate this happening, but again,



if it does the permitting issue authority for the town would be able to request that and review the traffic study and the fiscal impact report before making a decision to approve or not approve the project. But again, the current one you have is based on Target and other uses in the other buildings that we anticipate. The Target building is a known use.

*Question 19: When will the traffic study be revised based on the Vanesse peer review?*

Response: This again was sent to the Town today with the comments from our traffic engineer to Vanesse.

*Question 20: What are your justifications for making the request during the development of the ICOD that this development be permitted by site plan approval only and not by special permit, which is not the norm for the vast majority of Massachusetts communities. Based on this request, do you have an example of a development of this size that you have done under a site plan only? Please provide that specific site and how that has turned out for the Community where it was built? As you know, the process for applying conditions to a special permit protects the town to a much greater extent than the conditions applied to a site plan approval.*

I have to disagree with the comment. It says that the special permit is for the vast majority of Massachusetts communities. I wouldn't say it's a total opposite; most towns have specific zoning within their zoning bylaw, whether it be residential, business, or industrial, and we always try to comply with that zoning. The Town of Lancaster has such zoning. It's got light industrial and it has the enterprise zoning. We would fall under one of those two. If we were looking for a use that didn't fall under two there would be a special permit process at that point, but the fact is that the town has these two underlying zoning uses. If it felt that the special permit process was far better than I would think that the town would have had that zoning change a long time ago and not had these specific allowed uses. If there are certain concerns that the Town has with what they don't want to see within those allowed uses, we will be glad to discuss it and potentially enter into a deed restriction not to allow those specific uses that are currently alive within either one of those two zones.

*Question 21: Why have you specifically tied the 40R development and worked hard with the Affordable Housing Trust to develop to the requirements to rezone a residential part of the town to a mega warehouse, in addition to the size of this warehouse being out of scale and character of our town? It would be located directly adjacent to an existing residential development. Why should we have to remove the existing protections for the residents of White Pond and put a mega warehouse in their backyard just to get a 40R? The two projects are independent and should be reviewed and should be viewed as such?*

I want to say that the 40R development wasn't our idea. We're trying to work with the EDC and the Affordable Housing Trust to come up with a way, to come up with a location, first of all, within the town and a way to have the town reach it's 10% affordability, so there would be no more 40Bs in town. So this was a collaborative between the Capital Group, the EDC, and the Affordable Housing committee. There's no money in doing 40Rs; in fact, they lose money, so if you asked us do we want to do it, no, we don't want to do it, but are we are willing to do one in exchange for the rezoning of the background. So yes, we are willing, but if we don't get the zoning in back we're not going to do the 40R. We have no interest in doing it out front. This was, again, a collective collaborative between the three people who I spoke of. You talk about mega warehouse, well half the project is already zoned for enterprise, we can do warehousing already out front. We can do many things out front under the current zoning. We're trying to work with the town and the neighbors to try and get

something that works for all parties involved. We've had multiple meetings with people at White Pond. We feel that maybe if they had their wish that nothing would happen there, but I don't think that's realistic. Something's going to happen. Either it's going to get rezoned and we're going to do industrial, or we're going to construct something under the existing zoning. We've met with them on at least three or four occasions. We feel that we've addressed their concerns with the berm and the fencing. We've offered to buy anyone's house who does not want to live there anymore. You're talking about six or seven houses there and then after that there are really no direct residential abutters to the project.

Following the submitted questions, the Capital Group had some additional comments. They respectfully request that the Select Board move a zoning article forward to re-zone the back portion of the area to match the front of the area as an enterprise zone or to rezone the entire parcel to light industrial. In exchange for that, they would deed to the Town, the parcel of land, and live up to the agreement that has expired. There can be provisions set in place by the Town Counsel as to what has to happen and the deed can be released to the Town. Their goal is to work together with the town and the community, but it has to work for all sides. The Capital Group stated that they felt that they've been trying to work collectively over the last nine months, and it almost feels like we're back further behind than we were nine months ago. There's just a lot of misinformation running around the town. People not understanding what they're saying, what the projects are, not asking us, not inviting us to these forums to answer questions. They stated that they have an open door policy, and ask that if someone has a question that they should send an email. They will continue to be available for public meetings, on Zoom, in person, in their office, at the site, at Town Hall, or at the school.

Chairman Allison invited the members of the Select Board to ask questions.

Ms. Turner thanked the Capital Group for coming to this evening's meeting, stating that this meeting gave her a different perspective than she'd had after reading their letter of the 18<sup>th</sup>. She hopes for a series of forums moderated by someone other the Select Board or Capital Group. She explained that due to her lifetime in sales, she recognizes that there is give and take required to reach agreement. She would like a series of forums with Capital Group moderated by someone other than the Select Board or Capital Group.

Mr. Moody would like to set the dates for the open forums at the next Select Board meeting. He stated that he keeps hearing that we're picking on North Lancaster, but this piece of land has been zoned for commercial use for over 30 years. Compared to the last proposal that the Capital Group had, he thinks this is 100% better. He believes we are heading into a recession and it will be more difficult to bring in projects. So if there's a Fortune 500 company that has the will and the money to do this now, it is hard to pass it up. He talked about the cost of educating one student and the need for commercial property.

Mr. Pacheco asked for details about the Uxbridge property. The Capital Group noted that Campanelli was not the original developer but they ended up buying the property, which is the 5<sup>th</sup> largest taxpayer in Uxbridge. Mr. Pacheco also noted that engine idling is against the law, a federal regulation, punishable by \$100 fine the first time and \$500 for each subsequent offense.

Mr. Allison offered his opinion, that the Town needs to schedule a Fall Town Meeting and vote, with the most information possible. He is open to having forums, and wants the democratic process to happen and the most information possible to be shared, but there needs to be action taken to bring this to resolution. He also wants people to be aware that Capital Group is not just a developer but a landowner, and that they have the right to develop their land in accordance with existing zoning. Mr. Allison questioned why the details of the land transfer are just coming up now; Capital Group responded that this has been a frustration on their end as well.

Mr. Moody is concerned because he contacted Town Counsel about attending tonight's meeting and did not hear back.

Ms. Turner would like all parties to sit down and work out the settlement agreement with Town Counsel available to defend or explain past actions. Capital Group indicated their willingness to participate in this. Mr. Pacheco noted that Town Counsel never said that they would not advise the Board, but that their position is that they should never give legal advice to their client in an open meeting with the other party present. Ms. Turner would like to better understand the history of the issues to help decide how to move forward.

Additional conversation continued about the history of issues on this development project and misinformation.

Mr. Allison reviewed the rules for Public Comment and asked participants to limit questions and comments to two minutes. Once everyone has been heard once, he will entertain additional questions from people who have already spoken. He recognized Russ Williston, Planning Board.

Mr. Williston, referring to an Amazon warehouse project in Charleston, noted that after a zoning change the city immediately had a request for tax incentive financing (TIFF). He asked if this was likely to happen in Lancaster. The Capital Group replied that there are no plans to request a TIFF.

Mr. Allison recognized Patrick Sullivan who had questions about the shifts at the Target warehouse. Capital Group noted that there is only shift information for Building A, the Target warehouse, but not for other potential tenants of the project. The Target warehouse will have two ten-hour shifts with four hours of downtime between shifts, seven days a week.

Mr. Allison recognized Carol Jackson. She asked, "Why is it taking so long, the settlement agreement to be settled, and how can we trust that any other agreement will be honored if this one from 2017 has still not been settled? It is clear in the agreement, what should have happened, and there should not be any question as to what should be done. The received their parcels, Lancaster did not. This erodes the residents' trust in the Capital Group and in our Select Board. It's the negotiations just aren't there and even when I apologize to Capital would not supply any answers and all of a sudden I didn't see your letter until yesterday. So that was before I after I wrote this question, but it still doesn't state how you were talking to Lancaster when you were asked about it and you, you wouldn't respond." The Capital Group answered, explaining that there had been many delays from Town Counsel, but that they had been open to communication with the Town from the beginning of the project. They suggested that there is still a great deal of misinformation being discussed and suggested that Ms. Jackson review the letter sent October 18 explaining the chain of

events.

Mr. Allison recognized George Frantz who stated that there is another large distribution center planned on Fort Pond Road by GFI Partners. He asked Capital Group if they would be willing to work together on issues. Capital Group noted that this project has been taken into consideration in the traffic study and that they are willing to work with them.

Mr. Allison recognized Kaitlyn Drew, White Pond resident. She asked a two-fold question in regard to shifts at the Target distribution center. Are the shifts for trucks or for employees, and is there any restriction, like a noise ordinance, prohibiting ten hour shifts seven days a week. Capital Group responded that they were not sure about the traffic split between employees and trucks on the different shifts. Mr. Allison asked Mr. Pacheco to research bylaws that might pertain to this; Mr. Pacheco will report back with answers for next Monday's meeting.

Mr. Allison recognized Jennifer Leone, Holiday Lane. Ms. Leone asked who would be responsible for monitoring noise and truck idling. Mr. Allison referred the question to Mr. Pacheco who explained that there are a number of agents that legally can issue non-criminal dispositions, including the Building Department or the Board of Health. It could involve the Planning Board if it's a problem with a site plan condition.

Next Mr. Allison recognized Kristen Saunders. Ms. Saunders said that she had thought there was an ordinance related to not running businesses 24 hours a day. Mr. Pacheco said that he thought there might be an issue with Sundays, and he will look into this.

Mr. Allison recognized Mark Grasso, who has worked with this project as a past member of the EDC and a former member of the Select Board. He said that even with his experience he still lacks clarity on how much time the Town has to work on this before the Target opportunity could fall apart. Capital Group replied that they're very patient, but their client's patience is running low. This project probably needs to be up and running around May of 2022.

Mr. Allison recognized Dennis Hubbard, Grant Way. Mr. Grasso had a question on the traffic report, wanting to know what happens if the state's ramp improvements do not happen. The Capital Group explained that the traffic study is based on full build-out. The state project is well underway and part of their two-year plan. Mr. Hubbard asked for further clarification; Capital Group explained that much of the roadwork will actually be done by Capital Group, and assured Mr. Hubbard that the state plans were in process.

Next Mr. Allison recognized Lois Wortley. Ms. Wortley feels that there are gaps and unanswered questions in the traffic study. She shares Mr. Hubbard's concerns about the state not funding or following through on the proposed Route 2 changes. She also thinks there are important gaps in the financial analysis report. She would like additional forums to have these gaps filled in, stating that she had submitted questions that were not addressed. Capital Group stated that they are unaware of any "gaps" and that there had been some questions on the traffic study from the Town's Traffic Review Consultant that were answered as of this date. He was unaware of issues with the financial analysis. Capital Group noted that the permitting process begins with the state's MEPA permit, and that if the state didn't have funding for the traffic changes, the MEPA permit might not be granted

unless the developer put up the money.

Mr. Allison recognized Anne Ogilvie. She asked if the review by Target of the traffic study will be made public. CGP doesn't see why not but will need to check on non-disclosure agreements. Ms. Ogilvie would also like to see traffic simulations mentioned earlier, and would like to know where current Route 70 company JB Hunt is going. CGP explained that they don't know what JB Hunt is doing; they have heard they're going to another town but they're not sure. Additionally, the simulations were only internal, from the rotary to the guard shack.

Next Chairman Allison recognized Roy Mirabito, who asked a question for Bill Depietri (CGP). Mr. Mirabito explained that he has recently read an article about a Target hybrid distribution center in Logan County, NJ. Mr. Depietri stated that according to Target, this project is not for fulfilling internet sales, but is for restocking stores in New England.

Mr. Allison recognized Ryan Aldrich. Mr. Aldrich asked CGP to explain the benefits of a 40R project instead of a 40B project. CGP suggested that Victoria Petracca was better equipped to explain this because she has done a deeper dive on the numbers and this is a town initiative. Briefly, the 40R would include apartments, not condos; the Town would be paid x amount per student in an initial upfront check when the project is permitted. The 40B proposal would be for sale units, permitted in three separate phases with a total of 600 units, and no reimbursement from the State for students.

Mr. Allison asked Victoria Petracca from the Lancaster Affordable Housing Trust (LAHT) to speak. She explained that the 40R proposed is "night and day different" from the 40B. CGP approached LAHT with this idea at the beginning of 2021 with a large 40B proposal. She stated that after completing a training webinar on the 40R, the LAHT through a series of meetings, was able to transform a "pretty unfriendly 40B" into what they think is a great opportunity for Lancaster. She concurred that the financials discussed earlier are correct. There is an initial zoning incentive payment offered by the Commonwealth of \$200,000 based on the number of units, then there is a \$3,000 bonus payment for each unit that is actually delivered to the town so that's an additional \$450,000. In addition, they wanted to do mixed use because it brings in economic development, at the same time, so LAHT has asked for retail and restaurant use. Office is also allowed and that helps in addition to bring in more tax revenue.

Mr. Allison recognized Julie DeBono, who asked for further clarification on the changes to the Route 2 on and off ramps; CGP reviewed the changes planned.

Next Mr. Allison recognized Christine Dynan, 49 Fairview Hill, who wanted more information on what happens to this development if timelines are not met. Mr. Allison restated that CGP is not just a developer, but is a landowner, and they have existing by right development with no rezoning required. CGP stated that they've been working with the Town for 12-14 months and it's been painful; it's no one person, it's just a painful process. They want to get the project, whatever it be, started, and at some point they'll need to move forward with something.

Mr. Allison recognized Kathy Hughes. She asked about water restrictions or what the restrictions are from Leominster on what type of development can be put in this location if they're using

Leominster water. Her understanding is that there are water restrictions on housing or restaurants. CGP replied that the only restriction was on big box retail. Their understanding is that in the past there was some issue between Lancaster and Leominster, but today the only restrictions would be big box retail – which they're "never going to do" or a hotel. These would be subject to Leominster's approval. Mr. Allison noted that he has seen the agreement and that it's public record. He asked Mr. Pacheco to make sure that a copy of this agreement is attached to these minutes so that all residents have access.

Since at this point all meeting attendees have had a chance to ask a first question, Mr. Allison recognized Russ Williston, Highfield Drive, Planning Board. Mr. Williston asked CGP to explain why they would prefer to use LI2 zoning rather than filing for an ICOD special permit. CGP stated that the ICOD special permit was "too wide open" and because there is a housing requirement. Mr. Williston continued, stating, "Sure, the ICOD special permit actually just extends the enterprise zone uses, so it should be the same uses that you're looking at. And I just wanted to let you know that that in anticipation that the town might come to a point where new bylaw wasn't ready, that the Planning Board has been diligently working on some amendments to the ICOD by law. And those amendments would remove that housing requirement that you refer to, so you'd be able to propose your project without the housing. It accommodates I think the size of your largest building that was an issue back in 2019 and addresses a couple of the other issues that might have arisen. Using that special permit would be much more agreeable to the Town, I think, because it would pose less risk if something went wrong with the project. One of the hesitations with the change to the LI zoning is that, let's say that the economy did turn South and you didn't go ahead with this development, or if you sold it to someone else the town really wouldn't know what to expect to see there. We would have rezoned that land adjacent to the residential parcels without any way to change it back once you filed a plan. We really would have no way to protect those residents. The ICOD special permit, on the other hand, lets us approve a specific site plan for those uses. So I think it would be much more agreeable to the residents, it would be a much quicker way to get through Town Meeting and start to work on a plan with a Board rather than like you said, keep going back. Is that something you'd be amenable to?"

CGP noted Mr. Williston's comment about something going terribly wrong and asked him to elaborate on that. Mr. Williston replied that there are lots of reasons, that we get lots of applications, done in good faith, people apply to do things and don't go ahead with it. Let's say Target changes their mind, and you'd suddenly have a large parcel rezoned to LI2. CGP replied that under LI2 or under enterprise zoning, there are specific uses that are allowed, and they're okay with that. The issue with the ICOD, which was denied once by the Planning Board, is that there is no appeal process, versus if they go with enterprise and LI2, if they get denied there's a full appeal process that they could use if they feel that they were wronged. Under the ICOD, it would be a special permit, there is no appeal process, and they're not willing to go forward. Mr. Williston stated that you can appeal a special permit. CGP disagreed.

Mr. Allison recognized Dennis Hubbard. Mr. Hubbard asked for clarification as to what CGP could do with the property if the zoning is not changed. It was confirmed that CGP owns the property and could build, but not the size warehouse needed by Target.

Mr. Allison recognized Jennifer Leone again. Ms. Leone asked that if CGP has no interest in doing



housing, will the board still go through with it, because if the same development that would happen with the rezoning without the 40R, and the additional traffic from the 40R, and from her understanding there is plenty of affordable housing in the works in the rest of the town, why are we doing this? CGP stated that they would prefer not to do housing but that they're trying to work with the Town to help them reach their goal of 10% affordable housing, so they're willing to develop the 40R. If the Town finds other ways to reach the affordability goal and LAHT is satisfied, CGP would be fine with not building the 40R. Ms. Leone would like more information about Lancaster's affordable housing; Mr. Allison suggested that she might contact Ms. Petracca.

Next Mr. Allison recognized Carol Jackson again. Ms. Jackson said, "Thank you back to the settlement agreement, I just wanted to clarify that I don't have misinformation, I was at the Economic Development Committee meeting that it was brought up about the settlement agreement and Capital Group would not respond as to where we were with the settlement agreement and that could have been something Economic Development Committee could have helped work out if there was a problem, but they didn't know, and it was brought up at every Selectmens' meeting. To find out what's going on, so my question is can Orlando and the Capital Group, please send me all the information that that has been sent back and forth from town lawyers and from Orlando, the town to straighten all this out, so instead of taking your word for it, or our word for it, we have it all in writing. Because this is, you know you say you're going to negotiate and you want to negotiate with Lancaster that's not negotiating by letting it run out and not answering questions."

CGP replied, "We did not let it run out. In fact, we pushed Town Counsel to let them know that it was running out. We did everything and then more than what we were supposed to do. There's no hidden information. We had a couple phone calls with Town Counsel, there was no information back and forth. We forwarded a copy of the deed many, many months ago over to Town Counsel, in early 2019. So look, we can talk about what happened for the next 10 days, why don't we just move forward. Does it really matter what happened? The ball got dropped."

Ms. Jackson replied, "An agreement was an agreement, and you know if you're not going to follow through or if you're asked questions and if they're not answered that's what makes people skeptical."

CGP stated that saying that they are not following through is misinformation, and again, they did more than they were supposed to do.

Mr. Allison, after warning attendees about repetitive questions, recognized Jane Birtwell. Ms. Birtwell had questions about how the new Route 2 ramps would work, especially extending the acceleration lane. CGP addressed how the new ramps would be engineered.

Next, Mr. Allison recognized Victoria Petracca, who said, "I just wanted to clarify one thing that was said earlier. Capital Group said they were not interested in doing housing. I think that initially came out of the conversation about the ICOD which has a housing requirement in it. I think it's really important that we understand that there is a 40B on the table, right now, so I just want folks to understand that, because when Capital Group said they're not interested in doing housing that might be construed as therefore they're not interested in doing the 40B. So the 40B proposal that's back on the table is for the back of the site on the land that is currently zoned residential. They have met with Mass. Housing and provided their preliminary proposal. That is also on Lancaster's

Affordable Housing Trust website, so there is a there is an active preliminary proposal for 40 days. I just wanted to make sure that point was clear, because it, it was said tonight they're not interested doing housing. Again, I think that was in the context of the earlier conversation." She continued, explaining that the 40B is 600 units and that the 40R is an alternative to that.

Capital Group Properties: yeah clarification yeah my daughter was there and I spoke if that's the case I apologize, but basically we've got an option A and option B, the option, a plan is if the reason why you're successful. And we get our current and the back residential is off the table if were unsuccessful then we're going to move forward with the option B and we're kind of running in parallel. house, right now, so we don't you know lose any more time.

Mr. Allison recognized Chris Quill. Ms. Quill asked how is CGP going to guarantee to the Town of Lancaster that taxes will not be negotiated ever, and if there will be something in the deed stating this "because it's common knowledge that businesses will try to negotiate their taxes, so the \$2-point something billion added taxes that we're going to see for them could likely never be a real thing." CGP replied that even if tax incentives were requested, it's a lengthy process that goes through the Select Board and Town Meeting.

Mr. Allison recognized Kevin Coleman, who wanted to make a statement about The Capital Group, saying, "They say they're speaking like businessmen, like gentlemen, but I'm sure that if we were sitting in a bar somewhere having a cocktail they wouldn't be so polite to the Town of Lancaster. Basically, in my opinion, what they're telling Lancaster is stop jerking around, get off your butts, let's get this..." Mr. Allison cautioned the speaker about language. Mr. Coleman replied, "Well, everybody that's listening knows what I'm saying so that's all I got to say."

Mr. Allison recognized Rob Zidek. He stated that he is concerned that CGP is unaware of the gaps in their traffic report. Last June Mr. Zidek submitted a 537 page GIAS markup and a 2-page summary pointing out some of these problems, and he has brought this up at several meetings but it has not been addressed. He is concerned that without these answers it is not remotely possible to get information to residents for them to confidently vote at a Town Meeting. Mr. Allison asked Mr. Pacheco if the thumb drive that Mr. Zidek provided has been shared with CPG. Mr. Pacheco stated that he believed the information had been shared with the Town's peer-to-peer consultant. Mr. Allison requested that Mr. Pacheco follow up on this and get an answer to Mr. Zidek as to where this is at and who has seen it.

CPG noted that they have not seen Mr. Zidek's input. They reiterated that anyone with questions is welcome to email them to CPG. They will reply, copying the Select Board.

Mr. Allison recognized Kathy Hughes, who had questions about the type of lease agreements that CPG uses with their tenants, and if the lease agreements were triple net lease, so that property development, insurance, and taxes are the responsibility of the lessee. If this is true, does this mean that CPG is not responsible for any taxes that would be paid to the Town. CPG explained that these are modified triple net leases, whereas most things are paid by the tenant although some things are paid for by CPG to make sure that they're done to CPG's satisfaction.

Mr. Allison recognized Ms. Turner, who thought there were remaining questions although there are

no hands shown as raised, she would like to schedule the next meeting. She noted that she has heard rumors that Target might choose to go to Hudson, and asked that if this happened if CPG would go ahead with the project. CPG responded that yes, they would go ahead, and they have had interest from other potential tenants, although none would fit as well as Target. Ms. Turner noted that people speak of Target as a good community member. CPG stated that Target is respectful of the Town, they want to be good neighbors, they're a public company, they want to help the town, it's not just about the bottom line.

Mr. Moody said he had no questions but would like to get together quickly and plan a couple of meetings to get this thing going. He also noted that work has been done with MART (Montachusett Area Regional Transit) so that there would be a bus stop at the Target Distribution Center for workers.

Mr. Allison recognized Steve Kerrigan, 267 Neck Road. Mr. Kerrigan thanked the Select Board and CPG for a productive and informative meeting, echoing Mr. Moody's call for quick action to move the project forward. He stated that this is an important opportunity for Lancaster.

Mr. Allison recognized Ms. Petracca who wanted to make two points. She noted that there is a copy of the water agreement already online at the Affordable Housing Trust website. There is a lot of information already there under the Capital Group/Route 70 tab, including site plans. She also encouraged people to be very specific in their asks for Capital Group, noting that changing from a 40B to a 40R has been a collaborative effort.

Mr. Allison recognized Russ Williston. Mr. Williston urged people to support special permit use of the residential land and not a rezone to this industry zoning because that would take away certainty.

Mr. Allison asked Capital Group if there was anything they'd like to add. Mr. Depietri (CGP) wanted to respond to Mr. Williston's comment, stating that what he is not telling the people tonight and within the town is, if we're successful at Town Meeting it doesn't mean we can start work tomorrow. We have to go through the permitting issue authority, whether it be the Planning Board, the ZBA, whoever, that each one of those buildings to be built, and even that is a lengthy permitting process and if we showed industrial buildings for two out of the six buildings and they become warehouse buildings, which is allowed by right under the zoning, we would have to amend the traffic study and amend the financial impact report. So anything that's different, we would have to go back again and do another traffic study, and each time we come to build a building it's a separate permit from the permitting issue authority. The vote at Town Meeting doesn't give us the authority to build anything until we go through the Conservation, the Planning Board, and/or Zoning. Mr. Depietri also encouraged residents to go to the project website, <https://thelandinglanchester.com/>. He noted that if questions are submitted at the website they will be answered within a day or two.

Mr. Allison recognized George Frantz who wanted to move into discussion of the settlement because he did not feel it was covered. He stated that according to the letter from CPG, there were multiple failures on the part of the Town to respond in a timely fashion, and he wanted to know if the Town was going to be able to move forward in a timely manner. Mr. Frantz is concerned that Town Counsel did not attend tonight. Mr. Allison replied that tonight's meeting was to give residents an opportunity to ask questions, not for the Select Board to deliberate on the status or

outcome of the settlement agreement.

Mr. Allison recognized Kathy Hughes again. Ms. Hughes stated, "I was just surprised that the Capital Group is not aware of any health concerns when it comes to trucks because it's well publicized that there are diesel particulate matter in the air and it's a big contributor to many health issues, including asthma, heart attacks, and other heart and lung diseases. I do understand that there are some filters on some trucks, but a lot of the smaller diesel particulate matter gets through those filters. And this goes into the air and will be in the air, all along Route 70 as well as McGovern Boulevard and quite near where we're putting our affordable housing area. These are really serious matters and I'm surprised you're not aware of these. I'm just wondering if you have any plans to address this, it sounds like with subcontractors in charge of the trucks that even allows less control over the types of emissions that they might have and frankly, this looks like it's going to be polluting the whole area of this whole part of Lancaster if not going down Route 117 as well, so I'm very concerned about this and I'm surprised this isn't something that you're familiar with if you're in the warehouse business." CGP responded that any trucks that are going to be on the site have to meet Federal and State emission standards, which are becoming more stringent every year. Trucks are on the road now going up and down Route 2 to different locations. Some are coming on 117. This isn't an area where there are no vehicles running around. You have Route 2 and you have I-190 backing up to us, so there are trucks all around us. Any new development within that site has to meet state and federal standards for what's healthy. What's out there now, the sand and gravel operation, there are no standards being met, there's no exhaust screening, and you have heavy equipment running wild all day. It will be a far improvement over what you have here today. Mr. Depietri stated that if there are specific health concerns to address, he will have his greenhouse gas consultant come to one of the meetings, noting that there is a lengthy State (MEPA) process that they have to comply with. Ms. Hughes stated that she was relieved to hear about the MEPA requirements.

Mr. Allison recognized Amie Facendola, Colony Lane. Ms. Facendola wanted to know what assurances the Town has that the 40R will be built if the Town agrees to rezone. CPG reiterated that success at Town Meeting does not mean that the work can begin the next day, but that there are many more steps to the permitting process, and that one of the requirements when for site plan approvals will be timing when the 40R is built. Ms. Petracca added to that, explaining that LAHT is currently working on a friendly memorandum of understanding for this exact reason. Ms. Facendola asked how we make a new agreement and make new assurances and then what happens if the Town doesn't follow through, because she "doesn't want to get burned again."

Mr. Allison recognized Deb & Joe D'Eramo, Harvard Road. Mr. D'Eramo stated that there's a lot of work to be done between the Town and CGP. He said that he thinks that we need a skilled person in to manage all that needs to be done and to document the agreement, and he is concerned that there is currently not a Town Planner. He notes that the Capital Group's Maynard project is impressive and that he understands that the Town of Maynard is pleased with the results. Mr. D'Eramo mentioned that the Maynard project used an attorney from KP Law who is familiar with the project and with CGP, and that Lancaster might want to use the same attorney since KP Law is Lancaster's Town Counsel.

Mr. Allison recognized Kevin Hinckley, 194 Grant Way. Mr. Hinckley is an abutter to a warehouse

proposed near Fort Pond. He asked if acoustic modeling or simulation studies have been done, since he has concerns about 24/7 noise. CGP replied that they are in process of having a sound study done; it should be completed within two weeks and the results will be made available.

Mr. Allison recognized Carol Jackson again. Ms. Jackson asked how much land CGP owns. CGP stated that there are a couple of owners involved and CGP has options on any land needed. It is her belief that there are several landowners involved in the parcel under discussion, and that she believes that some of the options to buy have expired. CGP replied that this is not factual and agreements have not expired, nor are they public.

Mr. Allison recognized Anne Ogilvie again. She stated that she liked what Mr. D'Eramo said; she feels that the Town has not appeared to be effective in negotiating with CGP, stating, "there have been threats made and that's been really hard to watch as you grow really concerned about the very future of your town with a lot of promises being made, but not a lot of follow through, and I think particularly seeing how the North Lancaster agreement has gone we still don't see follow through and now the Capital Group is saying it's actually the fault of our own town employees and contractors and people who are working for the Town. So I think we do need some answers on that. That was really supposed to get discussed more in this meeting." She continued, stating that she would like a professional advocate, an independent planner and an independent attorney, "That didn't mess up a previous land agreement, as has now been alleged by the Capital Group so that we can have some advocates on our team who are experienced in this, understanding that everyone who's volunteering and doing a great job for the town doesn't necessarily have the experience."

Mr. Allison recognized Ryan Aldrich. Mr. Aldrich stated, "I just want to speak on behalf of the misinformation that's just been going around. Mostly, with the Planning Board, and you know how they speak on other forums and in their meetings it's clear that they don't do their homework and they have nothing positive to say for the last one to two years about this project. In fact, everything they say is usually a lie and misinformation so as the Select Board, are you willing to publicly condone their actions and how they're treating people and basically spreading misinformation instead of allowing people to hear the truth. They're more so just acting in their own behalf. Will you publicly condone the Board and the members on how they talk on in regard to this development?" Mr. Allison replied that the Select Board is not going to address any of that tonight and that he did not intend to continue this thread. He stated that if there are comments or questions about the North Lancaster project that's what he intended to focus on, but that the conversation needed to get away from inter board discussions.

Mr. Allison recognized Mr. Williston who stated, "Given that you accepted Ryan's comment, I would like to point out that Mr. Aldrich is a member of the Zoning Board of Appeals who has been cited a couple of times in recent history to the Select Board, and I would like you to affirmatively address that that comment was inappropriate, it was completely inaccurate. We're working on a bylaw right now to accommodate this project, and I insist that in this instance you take action on this, thank you."

Mr. Allison replied, "Thank you, Mr. Williston. As somebody who myself has been accused of different things. I've taken action on that, in my own manner. I think people should really if they're getting offended they should really take their own action, so that's my feedback."

Mr. Allison recognized John King, 962 Main Street. Mr. King noted that serving on a board was a thankless task, and that he is thankful that CGP is still interested after all the hoops they've been made to jump through in the last ten years. He hopes that the project goes through.

Mr. Allison recognized Nick Facendola. Mr. Facendola would like clarification on how CGP justifies not having this large development tied to special permits. He supports development of this parcel, but thinks it's a good idea to have both site plan and a special permit process to give the Town maximum protection. CGP replied that as stated earlier, you can put as many conditions as you want to a site plan approval, it doesn't need to be a special permit, saying, "The issue with a special permit it is basically un-appealable and we're not going to spend millions of dollars on engineered plans and architectural drawings, only to be denied by the Planning Board and there is no appeal process for us to have. We have done this in many other towns where you with both your site plan review and, if you want conditions, you can place it on the site plan review permit."

Mr. Allison noted that this question has been asked a number of times, and that while there are people present who disagree with CGP's perspective, the question has been answered. He recognized Mark Grasso. Mr. Grasso asked that if the zoning request being made of the Select Board was for LI, would this potentially create spot zoning. CGP replied that however the Town chooses to zone the parcel, they are okay with it.

Mr. Allison, stating that he would take one more question, recognized Mr. Williston again. Mr. Williston, addressing Mr. Facendola's earlier question, stated that we can place on a special permit and how a special permit would be handled is different, the permitting for something that's approved with a site plan is completely different and the Town doesn't have as much leverage or ability to go back and look at something again, so it is important that this be a special permit process, thank you.

Ms. Turner asked CGP about dates for MEPA filing. CGP explained that they cannot complete MEPA filing until they know if they are going with Plan A or Plan B, but that if they do not meet environmental requirements they will not get a permit from MEPA.

Mr. Moody noted, in response to Anne Ogilvie's comments, that the Select Board will be interviewing candidates for Planning Director next week, so that this position will hopefully be filled soon, which would be helpful. Additionally a new Building Inspector will be starting November 1. Mr. Moody noted in response to George Frantz comments, that the letter of October 18, toward the end, states that if CGP gets their zoning then the Town will get the land in question. Mr. Moody states that he thinks it can be tied down if the Town has better lawyers than they had before.

Mr. Allison thanked the Capital Group for participating in tonight's meeting; he apologized to any resident who submitted questions that were not included.

<b>IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE</b>
--



## 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. \*\***

From Erica Fossati

This is public comment to the Select Board. It's really disturbing that the Capital Group is trying to make you change this new bylaws rather than apply for a permit and ask for a variance like all developers do. Our Community feels that the Capital Group is bullying us into this when they don't have the right nor the power to do so. They shouldn't be allowed to make such demands, especially when they are lacking on their duties. They are being shady and trying to rush things. They are not remotely concerned about the impact that oversized warehouse will have on our rural small town. They didn't verify the Commonwealth is actually going to improve the exits on Route 2, which is pretty essential since trucks cannot get off Route 2 and cross the roundabout between Lunenburg and Old Union in total safety. They didn't even do their homework and think that just with a schematic plot plan and an incomplete traffic study we'll allow them to do as they please, not to mention the land transfer still didn't execute. Instead of playing hardball they should invest in a case study, look at towns that are similar to Lancaster and emulate their model of successful and sustainable developments. Our Select Board should be the first to condemn their behavior and put them back in line. The Capital Group should go back home, think have better options, since there are plenty, and come back more to open collaboration. Sincerely, Erica Fossati.

From Cara Sanford, 350 Bull Run Road

Dear Select Board members, Planning Board, and Conservation Commission members, I read this 10/18/21 letter from Bill Depietri of the 702 LLC Capital Group to Orlando Pacheco that was posted on the town Affordable Housing Trust page. It is a shocking letter that suggests to me that, due to the mismanagement of the town administration, the 2017 land settlement is void. This is big, because ultimately it is all of us taxpayers, who will have lost the traded land. I am asking the Select Board to engage a qualified attorney on the Town's behalf to represent the Town's position in response to this letter. Mr. Depietri's letter, yes, that they are willing to renegotiate the terms of the agreement, in conjunction with there being a rezoning vote with the outcome that they want. From the letter I have pasted the excerpt below to my perception. If I had to think of zoning that gave the least amount of control to the public, it would be the rezoning by 702 LLC to limited industrial because everything would be by right with no special permit process involved. Dear Select Board members please defend the citizens' right to save the land from this to 2017 settlement, or at least engage qualified legal help to see if the settlement is salvageable. To me, it is clear that the development team wishes very much for a certain zoning outcome to further it's plans and those wishes appear to be clearly expressed in this letter. Sincerely, Cara Sanford speaking opinion as a private citizen. (Reference to CGP letter dated 10/18/21)

From Rod Zidek

Dear Select Board members, I submit the following for public comment at the October 26 2021 Select Board meeting. Eight days ago I wrote and read a public comment requesting actions by the Select Board to resolve numerous issues relating to the handling of Lancaster residents' questions, concerns, and suggestions. Sadly, these community engagement problems are not better going into

this October 26 Special Meeting. In fact they have gotten worse. First there's an obscure meeting agenda with new topics listed and no meeting materials that could provide details, and there's the placement of public comment at the end, knowing that our voiced concerns get more attention, have greater impact if they are right at the start. First of all, is the failure to announce and the inexplicable posting location of the most likely subject of the discussion, the letter from Capital Group to the Town Administrator dated October 18th found on the Affordable Housing Trust page. There's really no excuse for keeping information like this out of public view, especially considering its direct effect on our decisions that will drive the most significant development effort in Lancaster's history and likely its future. It makes us question not only what lies ahead, but also the now questionable value of the many efforts that boards, committees, and residents have exerted to get us to this point. Regarding the letter itself, it appears that the ICOD is no longer a possibility and that proposed ICOD amendments are irrelevant. Strangely there's nothing mentioned in the letter about the 40R possibilities. We need to know if that is still on the table and what kind of agreement we are asked to make to keep it on the table. And we need it fully explained in common English exactly what the letter from Capital Group is asking us to do, and what their action will be if we don't. My interpretation of the letter is that the town agreed with the previous landowner, North Lancaster, LLC to get from them about 86 acres in two disjoint land parcels to become open conservation area. In return, another three parcels and three portions of the fourth parcel totaling about 111 acres were to be considered for mixed use development that would include residential and open space components. Apparently, that agreement timed out and Capital Group is offering to renegotiate it. From what I deduce in that offer, we can only get those 86 acres if we agree to consider all of 702 LLC's landowners land for mixed use. I find reading the Mass land records deeds correctly 702 LLC owns about 400 acres almost quadruple the 111 acres of land area in the original land agreement. The other stipulation is that we rush a Special Town Meeting within a short couple months, with it being too cold to meet outside and too unsafe to congregate indoors. I strongly urge the Select Board to decline this request for a Special Town Meeting. That we don't look forward to it by rate development rushing critical decision like this and attempts to avoid that development will potentially become a regrettable and irreversible tragedy. With regards, Rob Zidek, 103 Kaleva Road.

<b>VI. TOWN ADMINISTRATOR'S REPORT - NONE</b>
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<b>VII. ADMINISTRATION, BUDGET, AND POLICY - NONE</b>
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<b>VIII. APPOINTMENTS AND RESIGNATIONS - NONE</b>
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<b>IX. LICENSES AND PERMITS - NONE</b>
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<b>X. OTHER/UNFINISHED BUSINESS - NONE</b>
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*\*\* Tabled to Regular Meeting scheduled November 1, 2021. \*\**

<b>XI. NEW BUSINESS</b>
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*\*This item is included to acknowledge that there may be matters not reasonably anticipated by the Chair*

## **XII. COMMUNICATIONS**

- The Select Board's next regular meeting will be held via Zoom on November 1, 2021, at 6:00pm

## **XIII. ADJOURNMENT**

*Select Board member Jay Moody offered a motion to adjourn the meeting at 9:07 pm; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Respectfully submitted

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Jay M. Moody Clerk  
Approved and accepted:



## **SCHEDULED APPEARANCES & PUBLIC HEARINGS**

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Fiscal Year 2022

# Tax Classification Hearing

December 6, 2021

## Lancaster Board of Assessors

Michael Burke Sr., Co-Chair

Debra A. Sanders, Member

Kristen Fox, Member

Harald M. Scheid, Regional Tax Assessor

Jonathan Frank, Associate Regional Tax Assessor

Bobbi-Jo Williams, Principal Assessor



## **Introduction**

Each year, prior to the mailing of 3<sup>rd</sup> quarter tax billings, the Board of Selectmen holds a public hearing to determine the percentage of the town's property tax levy to be borne by each major property class. This responsibility and procedure are described in Chapter 40, Section 56 of the Massachusetts General Laws.

The steps in completing the Classification Hearing are outlined below. Also provided is information about the levy, property assessments, and recommendations made by the Board of Assessors.

## **Steps in Setting Tax Rates**

### **Pre-classification Hearing Steps**

- Step 1: Determination of the property tax levy (Budget Process)
- Step 2: Determine assessed valuations (Assessors)
- Step 3: Tabulate assessed valuations by class (Assessors)
- Step 4: Obtain DOR value certification (Assessors)
- Step 5: Obtain certification of new growth revenues (Assessors)

### **Classification Hearing Steps**

- Step 6: Classification hearing presentation (Assessors & Selectmen)
- Step 7: Review and discuss tax shift options (Selectmen)
- Step 8: Voting a tax shift factor (Selectmen)

### **Post Classification Hearing Steps**

- Step 9: Send annual recap to DOR for tax rate approval (Assessors)
- Step 10: Obtain DOR approval of tax rates (DOR)

## Terminology

The following are definitions of the terms frequently used in the discussion of tax rates.

**Levy:** The tax levy (or levy) is the amount of property taxes to be raised. The levy amount is determined by the budget. The total amount of the approved budget less revenues from other sources like motor vehicle excise, municipal fees, and state aid is the amount to be raised from property taxation. **In Lancaster, the levy to be raised is estimated to be \$21,677,489. This represents a 3.7% increase over last year's levy of \$20,901,321.**

**Levy Ceiling:** The levy ceiling is 2.5 percent of the full value of the town. Based on the Lancaster aggregate valuation of \$1,113,748,061, the town cannot levy taxes in excess of \$27,843,702.

**New Growth Revenue:** Property taxes derived from newly taxable properties like new construction, additions, renovations, subdivisions, and personal property. **Fiscal year 2022 new growth revenues of \$314,417 have been certified by the Department of Revenue.**

**Levy Limit:** Also referred to as the "maximum allowable levy", this is calculated by adding 2.5 percent of the previous year's levy limit plus new growth revenue, and proposition 2½ overrides, capital expenditure exclusions and debt exclusions. **The certified maximum allowable levy for fiscal year 2022 is certified at \$21,908,926.**

**Excess Levy Capacity:** Excess levy capacity is the difference between the levy and the levy limit. Fiscal year 2022 excess capacity is **\$231,137.**

## The Fiscal Year 2022 Levy Limit and Amount to be Raised

The following is a calculation of Lancaster's estimated levy for fiscal year 2022.

Fiscal year 2021 levy limit	19,503,493
Levy increase allowed under Prop. 2 ½	487,587
New growth revenue	314,417
Debt excluded under Prop. 2 ½	1,603,429
Fiscal year 2022 max allowable levy	21,908,626
Levy ceiling	27,843,702
Levy to be raised (rounded by tax rate)	21,677,489
Excess levy capacity	231,137

## Valuations by Class Before Tax Shift

<u>Major Property Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>Res vs CIP%</u>
Residential	\$953,997,452	85.6565%	85.6565%
Commercial	\$88,016,232	7.9027 %	
Industrial	\$38,822,617	3.4858%	14.3435%
Personal Property	\$32,911,760	2.9550 %	
TOTAL	\$1,113,748,061	100.0000 %	100.000%

## Shifting the Tax Burden

Municipalities with a large commercial/industrial tax base often see fit to shift the tax burden to help maintain lower residential taxes. Lancaster, like most small Massachusetts towns, has in the past chosen not to shift taxes.

The goal of recent classification hearings has been to maintain a uniform tax rate across all classes of property. The Board of Assessors recommends that the Selectmen continue this practice.

## Tax Rates

Based on the above shift factors, the Board of Assessors has calculated the following tax rate needed to raise the tax levy:

<u>Property Class</u>	<u>FY2022</u>	<u>FY2021</u>
Residential	19.46	19.98
Commercial	19.46	19.98
Industrial	19.46	19.98
Personal Property	19.46	19.98

Note that the fiscal year 2022 rate is an estimate and may change upon Department of Revenue review.

## Tax Impacts

With a few exceptions fiscal year 2022 residential valuations have increased 6.2% compared to assessed values from last year, reflecting a healthy real estate market.

The average residential tax bill calculation will change as follows:

FY2021 Average Single Family Valuation:	\$366,613
Taxes at \$19.98 per thousand	\$7,325
FY2022 Average Single Family Valuation:	\$389,188
Taxes at \$19.46 per thousand	\$7,574
Average Tax Increase	\$249

## **Recommendations**

The Board of Assessors recommends that the Board of Selectmen adopt a residential shift factor of 1.0000 with a corresponding CIP factor of 1.0000, thereby maintaining the relative shares of overall tax burden borne by the residential property owners in past years.

## **Voting a Tax Shift Factor**

The Lancaster Board of Selectmen votes in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2022 tax rates and set the Residential Factor at 1.0000, with a corresponding CIP shift of 1.0000, pending certification of the Town's annual tax recap by the Massachusetts Department of Revenue.





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

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

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

**MEMORANDUM**

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

FROM: Kathleen Rocco, Executive Assistant

CC: Select Board & Town Administrator

DATE: November 22, 2021

RE: Notice of Public Hearing – License to Sell Motor Vehicles (Class I)

The Board is in the process of reviewing Koch Lancaster Inc, dba Koch Route 2 Toyota's application for the above –referenced. Our office would appreciate your cooperation by assisting us in this process. Attached please find the following:

- Application for Class I License – Koch Lancaster Inc., dba Koch Route 2 Toyota;
- Town of Lancaster Notice of Public Hearing; and
- Department Comment Sheet.

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

Please return the form(s) to the Selectmen's Office **no later than Thursday, December 1, 2021.**

Thank you for your assistance in this matter.

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

NOV 22 2021

**Board of Selectmen**

**APPLICATION FOR LICENSE  
SALE OF MOTOR VEHICLES**

G.L. c.140, §58

New Application ☒ Class 1 Class 2 Class 3 Renewal \_\_\_\_\_

Circle all that apply

1. Name of Concern: Koch Lancaster Inc dba Koch Route 2 Toyota
2. Business Address of Concern: 700 Old Union Turnpike Lancaster Ma 01523
3. Is the business an individual, partnership, an association or corporation? Corporation
4. If an individual, state full name and residential address: NA
5. If a partnership, state full names and residential addresses of partners: NA
6. If an association or corporation, state full names of the principal officers:  
President Kurt Koch  
Secretary Kurt Koch  
Treasurer Kurt Koch
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  
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:  
700 Old Union Turnpike  
Existing Prime Toyota Route 2
9. Are you a recognized agent of a motor vehicle manufacturer? YES NO  
If yes, state the name of the manufacturer: Toyota Motor Corporation

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? Littleton
- Did you receive a license? YES NO For what year? 2020 Renewed for 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.

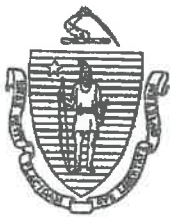
[Signature]  
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
OFFICER OR APPLICANT

DATE SIGNED 11/16/2021

87-3572538  
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](http://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: Koch hancaster Inc dba Koch Route 2 Toyota

Address: 700 Old Union Turnpike

City/State/Zip: hancaster Ma 01523 Phone #: contact # 610-253-9191 Ext 1105

Are you an employer? Check the appropriate box:

1. ☒ I am an employer with 70 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: Eastern Alliance Insurance Group

Insurer's Address: 25 Race Avenue Box 83777

City/State/Zip: hancaster Pa 17603

Policy # or Self-ins. Lic. # 03-0000059498-11 Expiration Date: 5/1/2022

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: [Signature]

Date: 11/16/2021

Phone #: 610-253-9191

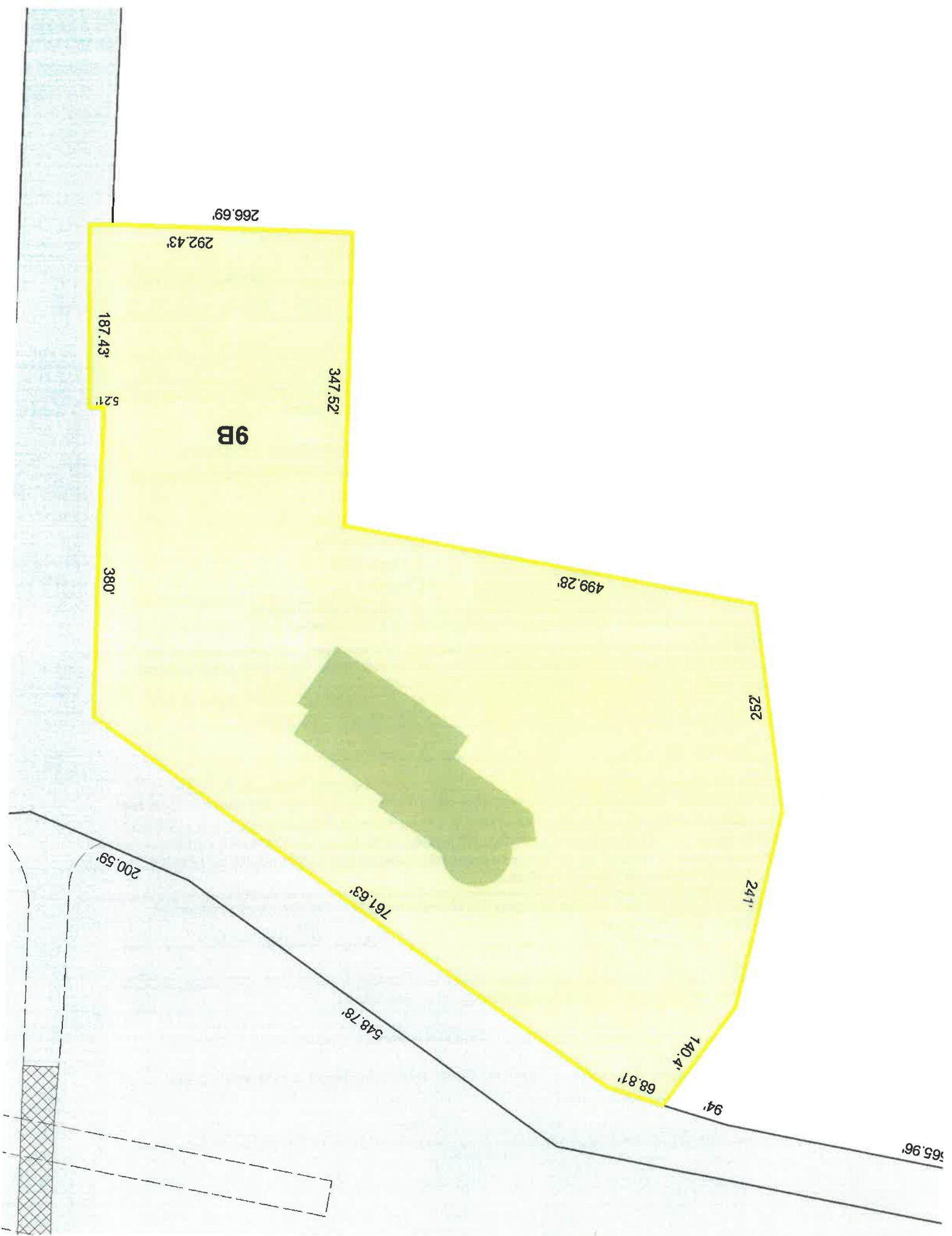
Official use only. Do not write in this area, to be completed by city or town official.

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  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that a Public Hearing will be held on **Monday evening, December 6, 2021, at 6:15 P.M., via Zoom, 701 Main Street, Lancaster, MA** on application of Koch Lancaster Inc., dba Koch Route 2 Toyota, 700 Old Union Turnpike, Lancaster, MA for a License to Sell New Motor Vehicles (Class I). All persons interested in and wishing to be heard on this matter are requested to appear at the aforementioned time and place. Written comment will also be accepted up to time of said hearing.

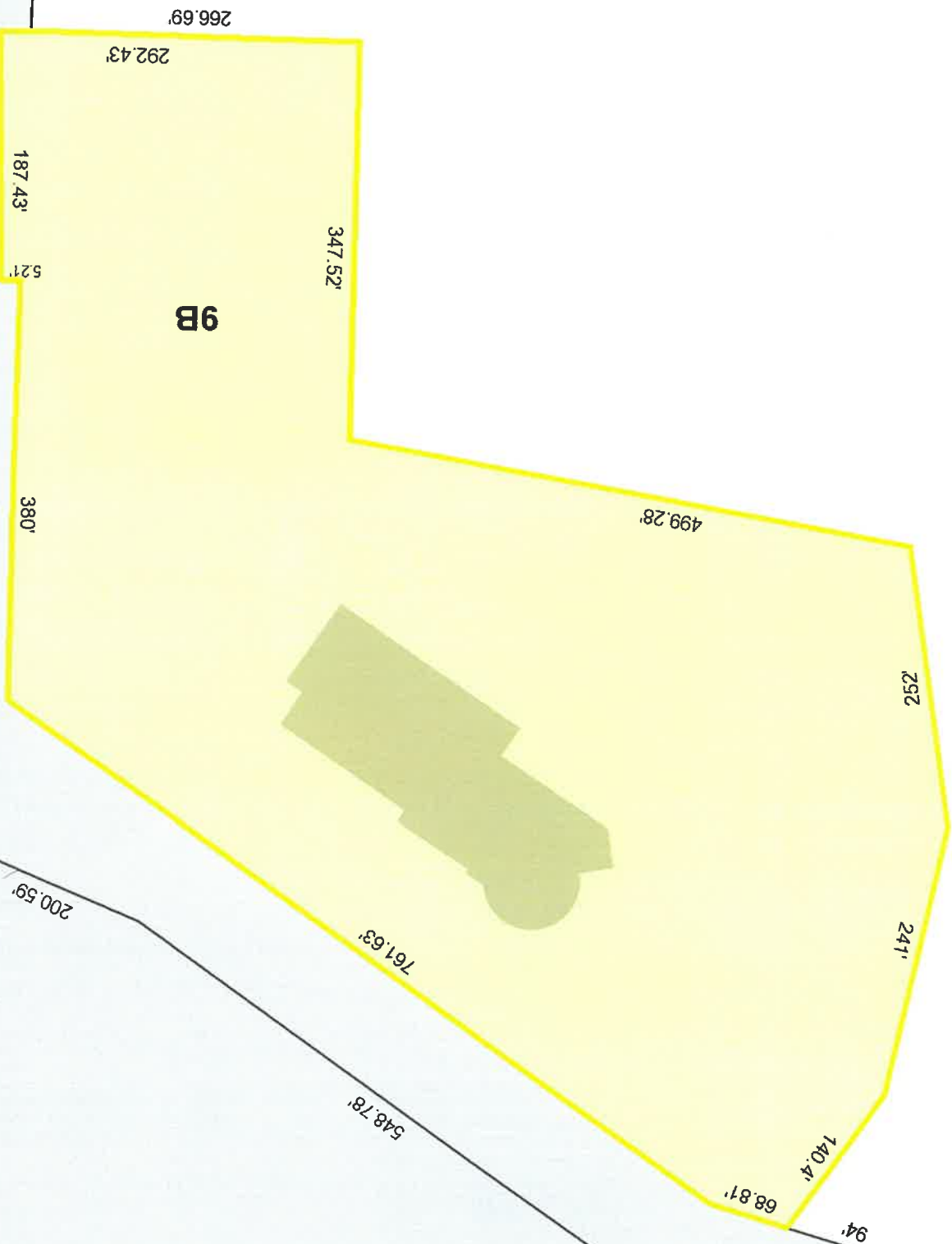
***BY THE SELECT BOARD***

Jason A. Allison, Chair

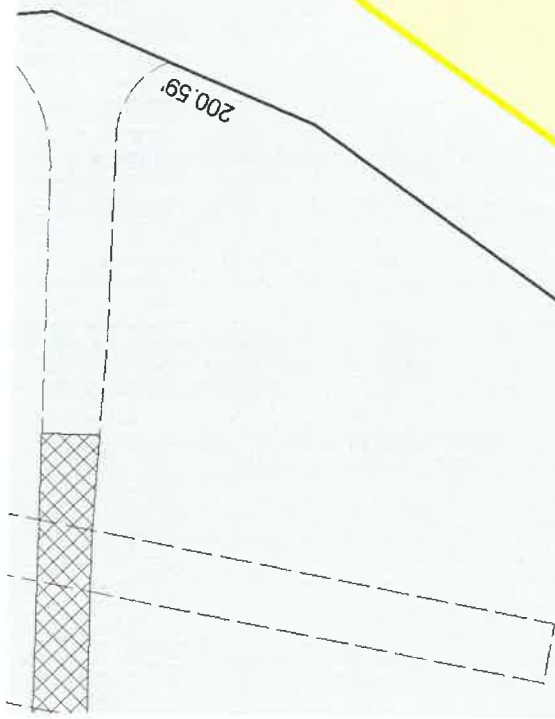
Jay M. Moody, Clerk

Alexandra W. Turner, Member

***The Item – 11/26/21 & 12/3/21 (2x)***



200.59'









**TOWN OF LANCASTER  
NOTICE OF PUBLIC HEARING**

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***BY THE SELECT BOARD***

Jason A. Allison, Chair

Jay M. Moody, Clerk

Alexandra W. Turner, Member

***The Item – 11/26/21 & 12/3/21 (2x)***



# 300 foot Abutters List Report

Lancaster, MA  
October 06, 2021

11/29/2021

## Subject Property:

Parcel Number: 009-0009.B  
CAMA Number: 009-0009.B  
Property Address: 700 OLD UNION TURNPIKE

## Mailing Address:

Route 2 Toyota Realty LLC  
~~AMR REAL ESTATE HOLDINGS~~  
~~LANCASTER LLC~~ 90 Highline Management  
~~425 PROVIDENCE HIGHWAY~~ 535 W 24TH ST  
~~WESTWOOD, MA 02090~~ 4TH Floor  
New York NY 10011

## Abutters:

Parcel Number: 004-0018.0  
CAMA Number: 004-0018.0  
Property Address: 20 FIRE RD 10

Mailing Address: JOYCE KAREN M  
20 FIRE RD 10  
LANCASTER, MA 01523-

Parcel Number: 009-0009.0  
CAMA Number: 009-0009.0  
Property Address: 512 OLD UNION TURNPIKE

Mailing Address: MASSACHUSETTS YOUTH SOCCER  
ASSOC INC  
512 OLD UNION TURNPIKE  
LANCASTER, MA 01523-

Parcel Number: 009-0011.A  
CAMA Number: 009-0011.A  
Property Address: 51 FIRE RD 10

Mailing Address: CORMIER OCTAVE J & KATHLEEN L  
51 FIRE RD 10  
LANCASTER, MA 01523-

Parcel Number: 009-0011.B  
CAMA Number: 009-0011.B  
Property Address: 37 FIRE RD 10

Mailing Address: OWENS JAN D & ELAINE M  
37 FIRE RD 10  
LANCASTER, MA 01523-

009-0012A

+ 0011C + 0012C

40 Fire Rd 10

Larrell Ladd M Trustee  
40 Fire Rd 10 Realty Trust  
40 Fire Road 10  
Lancaster MA 01523

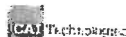
Michael Burke Sr.

Michael Burke Sr, Vice-Chairman  
Lancaster Board of Assessors  
October 6, 2021

1 page

**CERTIFIED COPY**

Recertified Nov 29, 2021



www.cai-tech.com

10/6/2021

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Page 1 of 1

Abutters List Report - Lancaster, MA



**TOWN OF LANCASTER  
OFFICE OF THE BOARD OF SELECTMEN**

**DEPARTMENT COMMENT FORM**

**DEPARTMENT/BOARD NAME:** Building

**Applicant:** Koch Lancaster Inc., dba Koch Route 2 Toyota

**Requests:** License to Motor Vehicles (Class I)

**Location:** 700 Old Union Turnpike, Lancaster

**COMMENTS:** None

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DATE:** 12-1-21

\_\_\_\_\_

**DEPARTMENT HEAD SIGNATURE**

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





TOWN OF LANCASTER  
OFFICE OF THE BOARD OF SELECTMEN

DEPARTMENT COMMENT FORM

DEPARTMENT/BOARD NAME: \_\_\_\_\_

*Town Clerk*

Applicant: Koch Lancaster Inc., dba Koch Route 2 Toyota

Requests: License to Motor Vehicles (Class I)

Location: 700 Old Union Turnpike, Lancaster

COMMENTS: \_\_\_\_\_

*Also dropped off Application for a  
Business Certificate which has been approved  
by Building Inspector.*

DATE: *11-22-2021*

*Lise Johnson*  
DEPARTMENT HEAD SIGNATURE

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







TOWN OF LANCASTER  
OFFICE OF THE BOARD OF SELECTMEN

DEPARTMENT COMMENT FORM

DEPARTMENT/BOARD NAME: Treasurer / Collector

Applicant: Koch Lancaster Inc., dba Koch Route 2 Toyota

Requests: License to Motor Vehicles (Class I)

Location: 700 Old Union Turnpike, Lancaster

COMMENTS: None

\_\_\_\_\_

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\_\_\_\_\_

DATE: 11-22-21

Mary Elmont

DEPARTMENT HEAD SIGNATURE

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



## 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*

*Draft Version 9 – 11/18/2021*

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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.

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

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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;

- b* No such sign is closer than 10 feet to a street lot line;
  - c* The number of such signs is limited to the minimum necessary to give clear directions;
  - d* The sign bears no advertising matter.
- (d) Size, location and illumination exceptions. The PAA may grant exceptions regarding the size, location and allowable illumination of signs (such as allowing direct illumination) upon its determination that the objectives of facilitating efficient communication, avoidance of visual conflict with the environs, and good relationships between signs and the buildings to which they relate are satisfied, considering the following among other considerations.
- i. Sign size is appropriate in relation to development scale, viewer distance, speed of vehicular travel, street width, and signage on nearby premises.
  - ii. Visibility of other public or private signage on nearby premises is not unreasonably diminished.
  - iii. Sign content is simple and neat, with minimum wording to improve legibility.
  - iv. Sign placement, colors, lettering style, and form are compatible with building design.
  - v. Sign design and location do not interrupt, obscure or hide architectural features of the building, such as columns, sill lines, cornices, or roof edges.
  - vi. Sign brightness is not inconsistent with that of other signs in the vicinity.
- (e) Permit required; fees.
- i. Permits. No sign of three square feet or more in area shall be erected, enlarged, or structurally altered without a sign permit issued by the Building Inspector.
  - ii. Fee. Signs shall be subject to an annual inspection fee as set forth in Chapter 1, General Provisions, Article III, Fees, of the Code of the Town of Lancaster

#### **M. SEVERABILITY.**

If any provision of this Section 220-8.9 is found to be invalid by a court of competent jurisdiction, the remainder of Section 220-8.9 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 220-8.9 shall not affect the validity of the remainder of the Town's Zoning Bylaw.



**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:                     .

## 40R District Application – Preliminary Determination of Eligibility

**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 ¾ 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.*

## 40R District Application – Preliminary Determination of Eligibility

**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.*

**40R District Application – Preliminary Determination of Eligibility**

**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:



## 40R District Application – Preliminary Determination of Eligibility

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:

## 40R District Application – Preliminary Determination of Eligibility

☐ 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

## 40R District Application – Preliminary Determination of Eligibility

*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



#### 40R District Application – Preliminary Determination of Eligibility

<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 sewered or scheduled to be sewered, 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.



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(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:

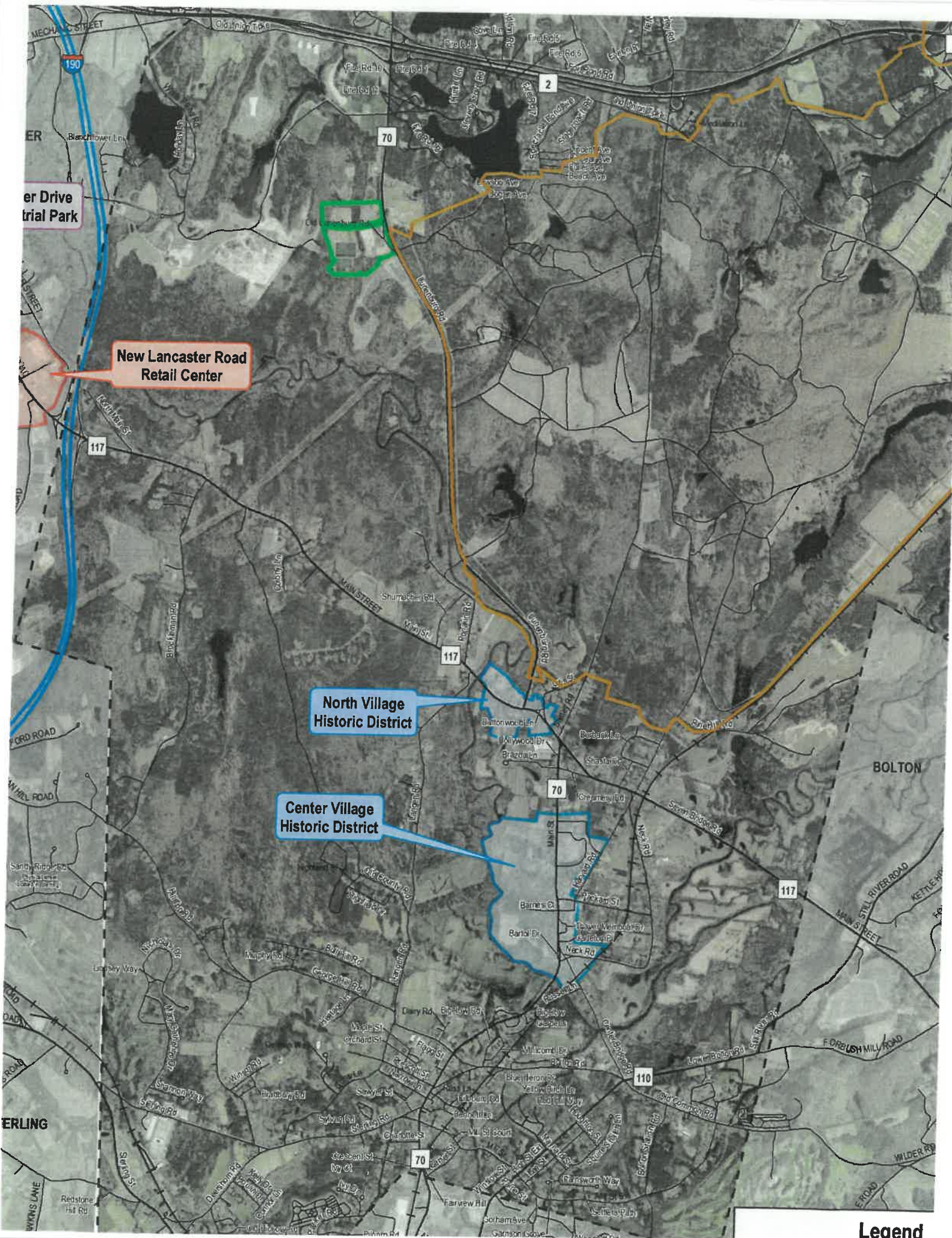
- (a) In the case of a Smart Growth Zoning District, part or all of the land located within ½ mile distance of any rapid transit or commuter rail station, bus or ferry terminal (measured from the entry point(s) to the passenger platforms); and
- (b) In the case of a Starter Home Zoning District, part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



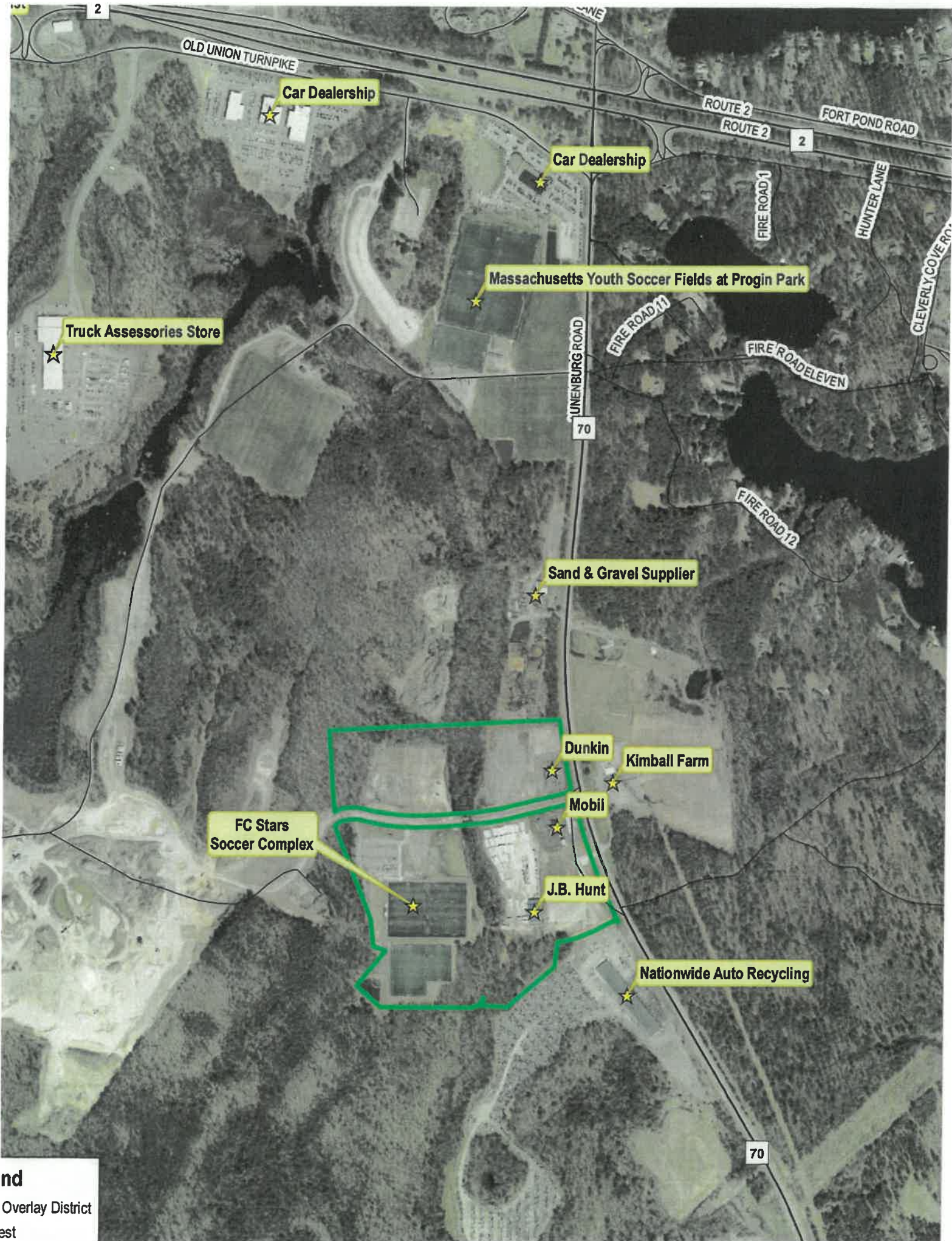
**40R District Application – Preliminary Determination of Eligibility**



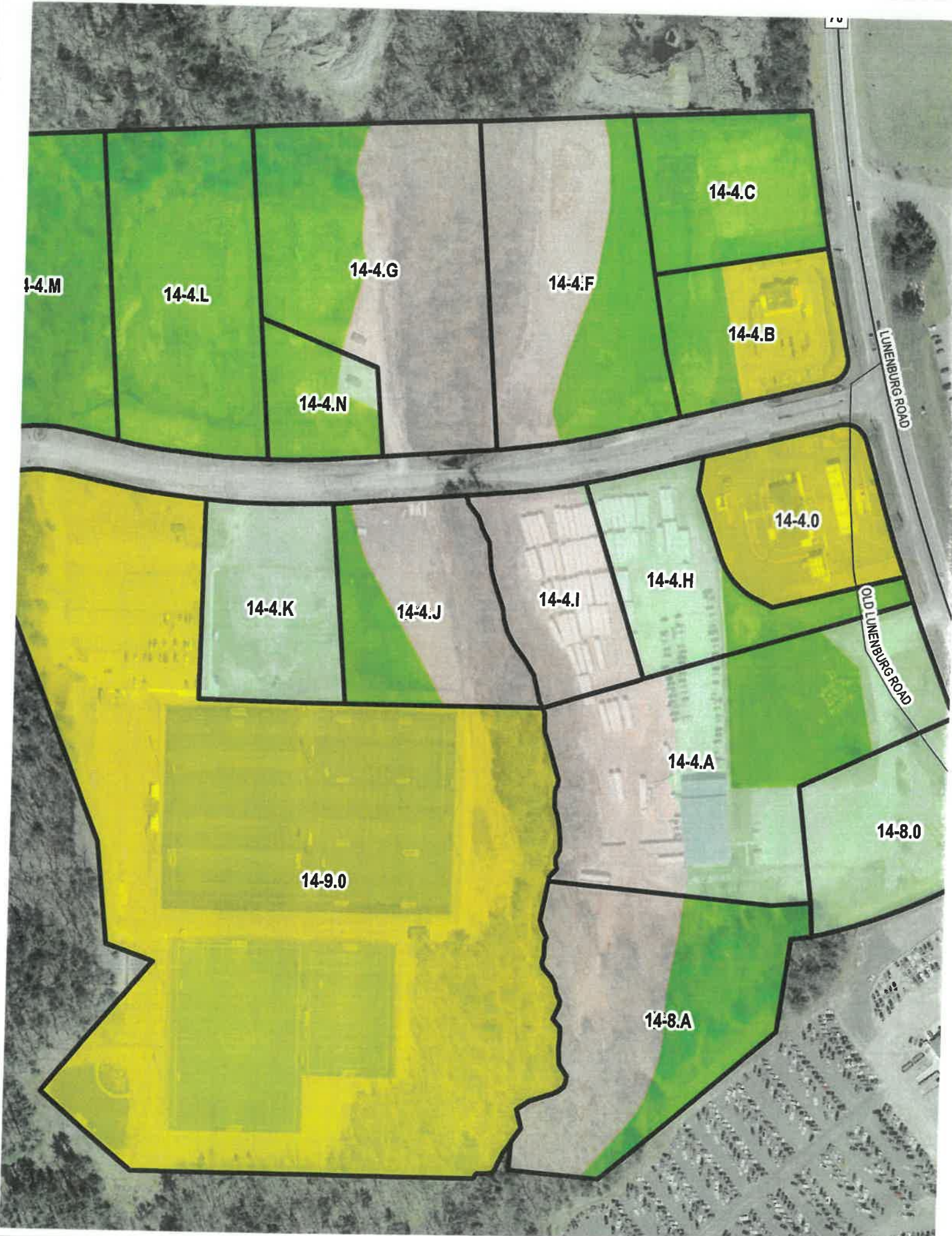


**Legend**









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

14-4.0

14-9.0

14-4.A

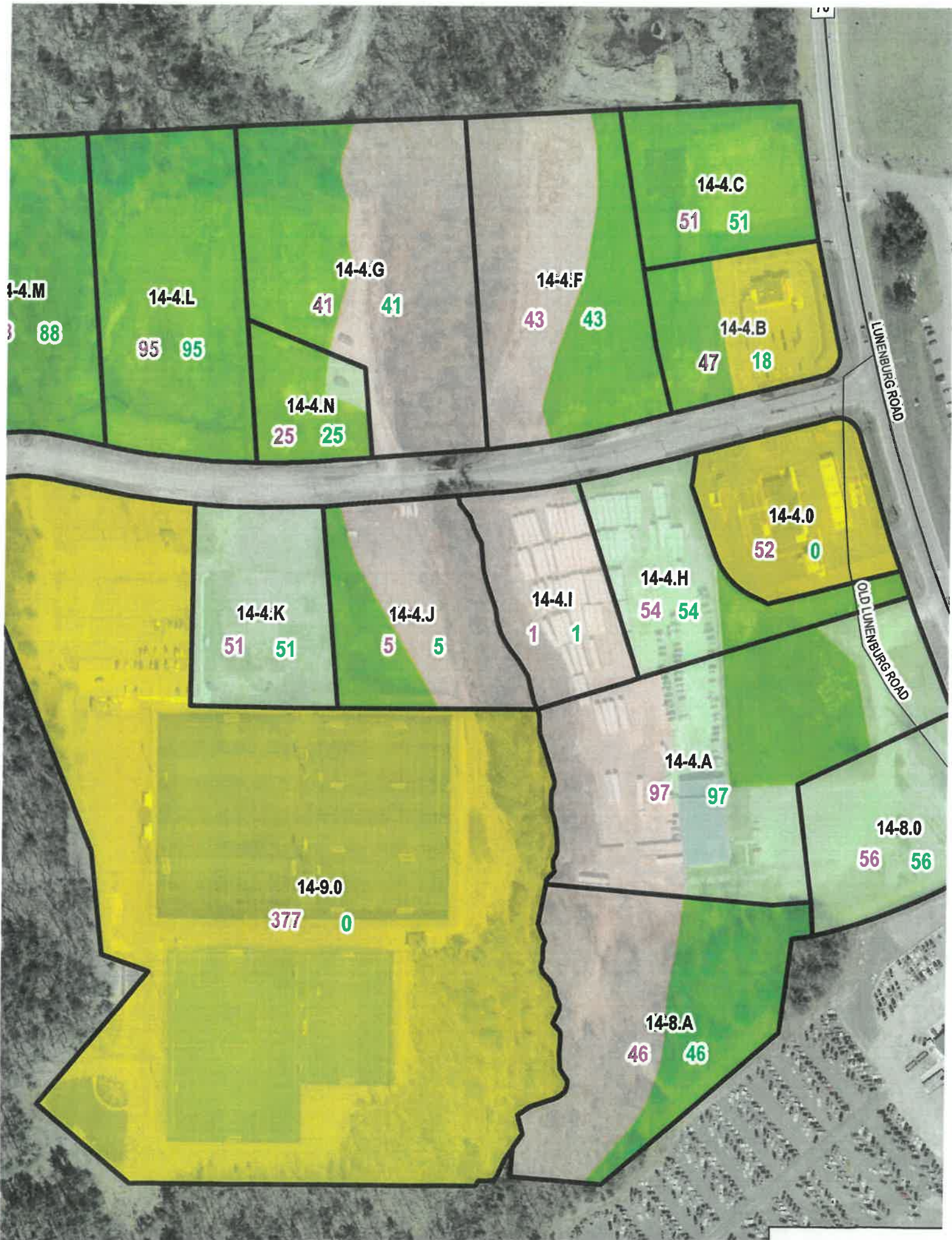
14-8.0

14-8.A

LUNENBURG ROAD

OLD LUNENBURG ROAD













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

10/7/2021

Instructions: Please complete YELLOW CELLS in the tables below with relevant information for each parcel. The remaining blue and clear cells in each table will self-populate based on the information entered. This spreadsheet is for proposed Districts that will NOT contain any Sub-Districts. For proposed Districts that will contain Sub-Districts, please consult DCHD for the corresponding spreadsheet. For Underutilized Land containing buildings that are proposed for reuse, please contact DCHD for guidance on corresponding calculations. To add one or more parcels containing Developable/Underutilized Land or one or more Substantially Developed Parcels, insert new row(s) between two existing parcels in the corresponding section to add to include additional parcels in the existing formulas.

PARCEL #	STREET ADDRESS	GROSS ACREAGE (GA)	ENVIRONMENTALLY CONstrained LAND (ECL) (e.g., wetlands, steep slopes)	GROSS BUILDABLE LAND (GBL) (GBL = GA less ECL)	SUBSTANTIALLY DEVELOPED LAND (SDL)	GROSS DL	ANY SUBSET OF DL QUALIFYING AS UNDERUTILIZED LAND (UL)	EXISTING AS-OF-RIGHT OR-EMERGENCY (E/O) (see ECL)	TOTAL EXISTING OCCUPYING UNITS (E/O) (see ECL)	TOTAL UNITS (E/O) (see ECL)	TOTAL FUTURE ZONED UNITS (FZU) (FZU = E/O + FZU - E/O)	TOTAL POTENTIAL BONUS UNITS (E/O) (FZU - E/O)	FZU ON DL	GBL ON DL	FZU ON DL	INCREASING / DECREASING (DL ONLY)	NOTES / EXISTING LAND USE, as applicable to the parcel (e.g., Underutilized Land)
North Worcester Smart Growth Overlay District																	
Parcels containing DEVELOPABLE LAND (DL) (including Underutilized Land)																	
14-1	75 McGovern Blvd	3.53	0	3.53	0	3.53	0	0	0	0	0	0	0	0	0	0	0
14-2	15 McGovern Blvd	3.8	0	3.8	0	3.8	0	0	0	0	0	0	0	0	0	0	0
14-3	15 McGovern Blvd	1.03	0	1.03	0	1.03	0	0	0	0	0	0	0	0	0	0	0
14-4	15 McGovern Blvd	4.8	0	4.8	0	4.8	0	0	0	0	0	0	0	0	0	0	0
14-5	15 McGovern Blvd	3.18141	0	3.18141	0	3.18141	0	0	0	0	0	0	0	0	0	0	0
14-6	15 McGovern Blvd	2.87724	0	2.87724	0	2.87724	0	0	0	0	0	0	0	0	0	0	0
14-7	15 McGovern Blvd	7.04	0	7.04	0	7.04	0	0	0	0	0	0	0	0	0	0	0
14-8	15 McGovern Blvd	2.17236	0	2.17236	0	2.17236	0	0	0	0	0	0	0	0	0	0	0
14-9	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
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14-11	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
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14-73	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-74	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-75	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-76	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-77	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-78	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-79	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-80	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-81	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-82	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-83	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-84	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-85	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-86	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-87	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-88	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-89	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-90	15 McGovern Blvd	2.04	0	2.04	0	2.04	0	0	0	0	0	0	0	0	0	0	0
14-9																	

<b>Existing As-of-right Density</b>	The maximum number of units per acre allowed As-of-right under the Underlying Zoning which includes any existing zoning applicable to the parcel.
<b>As-of-right Density</b>	The existing maximum number of units per acre allowable As-of-right on the parcel under the proposed Smart Growth (dSR) Zoning.
<b>Occupied Existing Units (OEU)</b>	Any applicable 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).
<b>Total Units Developable As-of-right Under Existing / Underlying Zoning (UDAUZE)</b>	The maximum absolute number of units allowable As-of-right on the specific parcel under the Underlying Zoning which includes any other overlay zoning that may exist in addition to the base zoning.
<b>Existing Zoned Units (EZU)</b>	The greater of the Occupied Existing Units (OEU) and Total Units Developable As-of-right Under the Existing / Underlying Zoning (UDAUZE). 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 already developable within the geographic area of a District under a comprehensive permit pursuant to M.G.L. c. 40A for which the project eligibility letter was issued to the developer prior to the Municipality's dSR Zoning Application shall be included as Existing Zoned Units if (a) the comprehensive permit is issued prior to the date of the Municipality's dSR Zoning Application, or (b) the subject land makes up all or substantially all of the Developable Land within the proposed dSR District. For purposes of determining the Municipality's dSR Zoning Application shall be included as Existing Zoned Units if (a) the comprehensive permit is issued prior to the date of the Municipality's dSR Zoning Application, or (b) the subject land makes up all or substantially all of the Developable Land within the proposed dSR District. For purposes of determining the Municipality's dSR Zoning Application shall be included as Existing Zoned Units if (a) the comprehensive permit is issued prior to the date of the Municipality's dSR Zoning Application, or (b) the subject land makes up all or substantially all of the Developable Land within the proposed dSR District. Otherwise, units developed within a District under a Comprehensive Permit issued pursuant to M.G.L. c. 40A after the submission of a dSR Zoning Application, in excess of the number of Existing Zoned Units for the same parcel, shall qualify as Bonus Units.
<b>Incentive Units</b>	On Developable Land only, the Future Zoned Units less the Existing 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 Necessary Dwelling Unit shall not qualify as an Incentive Unit.
<b>As-of-right</b>	760 CMR 59.02; Housing development allowed under the Underlying Zoning or dSR Zoning without recourse to a special permit, variance, zoning amendment, 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 dSR regulations, guidelines, forms of application materials, or other requirements applicable to review of Projects by the Plan Approval Authority under 760 CMR 59.00.
<b>Future Open Space</b>	760 CMR 59.02; Areas within a District which a Municipality may designate or require 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. 184, § 31 or other qualifying means. Such Future Open Space may be subject to requirements under the total Future Open Space may set aside a fixed percentage of the site as Dedicated Open Space, and, for Districts other than State Home Zoning Districts eligible pursuant to 760 CMR 59.04(1)(B), allowing such request to deduct the Dedicated Open Space when calculating housing densities. Notwithstanding the foregoing, the total Future Open Space may not exceed 10 percent of what would otherwise be the Developable Land area if the Developable Land 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 Municipality Dedicated Open Space plan.
<b>Dedicated Open Space</b>	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 lands; agricultural lands; grasslands; fields; forest lands; fresh and salt water marshes and other wetlands; ocean, river, stream, lake and pond frontage; beaches, dunes, and other coastal lands; lands to protect scenic vistas; land for wildlife or nature preserves; land for active or passive recreational use; parklands, plazas, playgrounds, and recreational and open spaces; and other uses deemed to be in the public interest. Dedication of 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 protected 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 a conservation restriction as defined in M.G.L. c. 184, § 31.
<b>Historic District</b>	760 CMR 59.02; A District in a Municipality characterized by the historic and/or architectural significance of its buildings, structures, and sites, and in which exterior changes to and the reconstruction 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 contemporaneous or non-contemporaneous with the Historic District. A Municipality may establish or enlarge an Historic District within an Approved District, but whether such Historic District renders the District non-compliant with the provisions of M.G.L. c. 40A and 760 CMR 59.00 shall be subject to DHCD review in accordance with 760 CMR 59.05(5). DHCD's review of such a new or enlarged Historic District shall be limited to compliance with M.G.L. c. 40A and 760 CMR 59.00. See also 760 CMR 59.02; Substantially Developed.
<b>Underlying Zoning</b>	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 layer. Solely for the purpose of calculating existing residential densities under 760 CMR 59.03(1), the Underlying Zoning shall be deemed to be the zoning which was in effect one year prior to the date upon which the dSR Zoning Application was submitted to DHCD.

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

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**Kathi Rocco**

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**From:** Jocelyn Mylott <joceandgreg@hotmail.com>  
**Sent:** Thursday, October 21, 2021 6:43 AM  
**To:** Jocelyn Mylott; jaymdy@comcast.net; turnerselect@gmail.com; Jason A. Allison; Kathi Rocco  
**Subject:** Finance Committee Application  
**Attachments:** Jocelyn Mylott-Finance Committee Application.docx

Dear Members of the Town of Lancaster Select Board,

Please accept this letter in application for the opening on the town Finance Committee. My last email did not have my letter attached, my apologies.

Thank You,  
Jocelyn Mylott (iPhone)

---

Jocelyn Mylott | 1436A Main Street | Lancaster MA 01523  
978.855.8092  
joceandgreg@hotmail.com

TO: Lancaster Board of Selectmen  
FROM: Jocelyn Mylott  
RE: Finance Committee Opening  
DATE: October 20, 2021

Dear Members of the Town of Lancaster Select Board,

Please accept this letter in application for the opening on the town Finance Committee.

I was raised in Lancaster and 3 years ago my husband and I chose to return to raise our family. The community in Lancaster is already something I value. I value the look and feel of our town, the school system, police and fire stations, among other areas and would like to see Lancaster become more prosperous to keep these areas properly funded. I find myself wanting Lancaster to remain historical and beautiful while also welcoming the right type of businesses to gain additional needed revenue.

In my professional life I am the Director of Optical Services at D'Ambrosio Eye Care, Inc. I oversee and control the cost of goods, long term business plans and goals, manage multiple departments and locations, lead our local community fundraising efforts, run our apprentice program, and work to maintain our company employee morale. I have been employed at this company for 20 years, so my list of duties comes from a desire to grow, learn, and take on new challenges but also because I am dedicated to the success of our company and our employees.

I would be excited to hopefully utilize my existing skills and learned new ones to help create a plan and budget that propel Lancaster forward while also maintaining what makes our town beautiful.

Thank you in advance for considering my application.

Sincerely,

*Jocelyn Mylott*

# **Town Administrator Report**

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# **TOWN ADMINISTRATOR's REPORT**

## **12/6/2021**

### **Fleet EV Study**

The Town has participated in a Fleet Electrification Study that was funded by National Grid. The study has provided an examination of the Town vehicle fleet and how best to transition it to electric vehicles with recommendations. The document should be used to help guide future capital planning.

### **Dispatch Executive Director Appointment**

The Nashoba Regional Dispatch District, of which Lancaster is a member, has appointed Anne Camaro as its new Executive Director. Anne is currently the Deputy Dispatch Director in the City of Cambridge and was selected from a field of 20 candidates.

### **Body Camera Grant**

The Town has received a grant for \$31,730 from the Office of the Governor to purchase body worn cameras for the Police Department. Chief Moody is working on implementing the grant award.

### **Town Meeting Location and Setup**

Based on trying to appeal to a larger space to undertake a STM the Town would most likely have to utilize the MRE/LBM gym and utilize the cafeteria as overflow space if needed. The Town can accommodate the logistics to undertake the STM. We would like to avoid the auditorium just to make sure we have adequate spacing for residents.

### **40R Memorandum**

The 40R memorandum that has been in the works for the 40R project as it relates to a potential CGP development. I am working on expanding this for the larger development so residents have a clear idea on the expectation on what the parties are committing to.

### **Statewide Opioid Settlement**

Lancaster has received notice about an opportunity to receive settlement funds from 2 statewide settlements with three opioid distributors — Cardinal, McKesson and Amerisource Bergen — and opioid-maker Johnson & Johnson, recently [announced](#) by Attorney General Maura Healey. The Settlements will provide up to \$537 million in funds to the Commonwealth and its cities and towns over 18 years to fund prevention, harm reduction, treatment and recovery efforts across Massachusetts.

There are 2 reasons for municipalities to join: (1) to receive funds for abatement; and (2) just as importantly, because the more municipalities that join, the more the [Distributors](#) and [J&J](#) will pay under the Settlements and it will benefit the Commonwealth as a whole. (MA-AGO)

## **TOWN ADMINISTRATOR's REPORT**

**12/6/2021**

I have spoken with KP Law as well, who has advised that the Board authorize participation. Since Lancaster has not taken any direct action as part of any other group or directly as a Town, this would be the only option to receive funds from the opioid settlement.

### **Holiday Hours**

With the upcoming Christmas Holiday falling on Saturday December 25<sup>th</sup>, all municipal offices will be closed Friday December 24<sup>th</sup> in observance.



nationalgrid

# Town of Lancaster

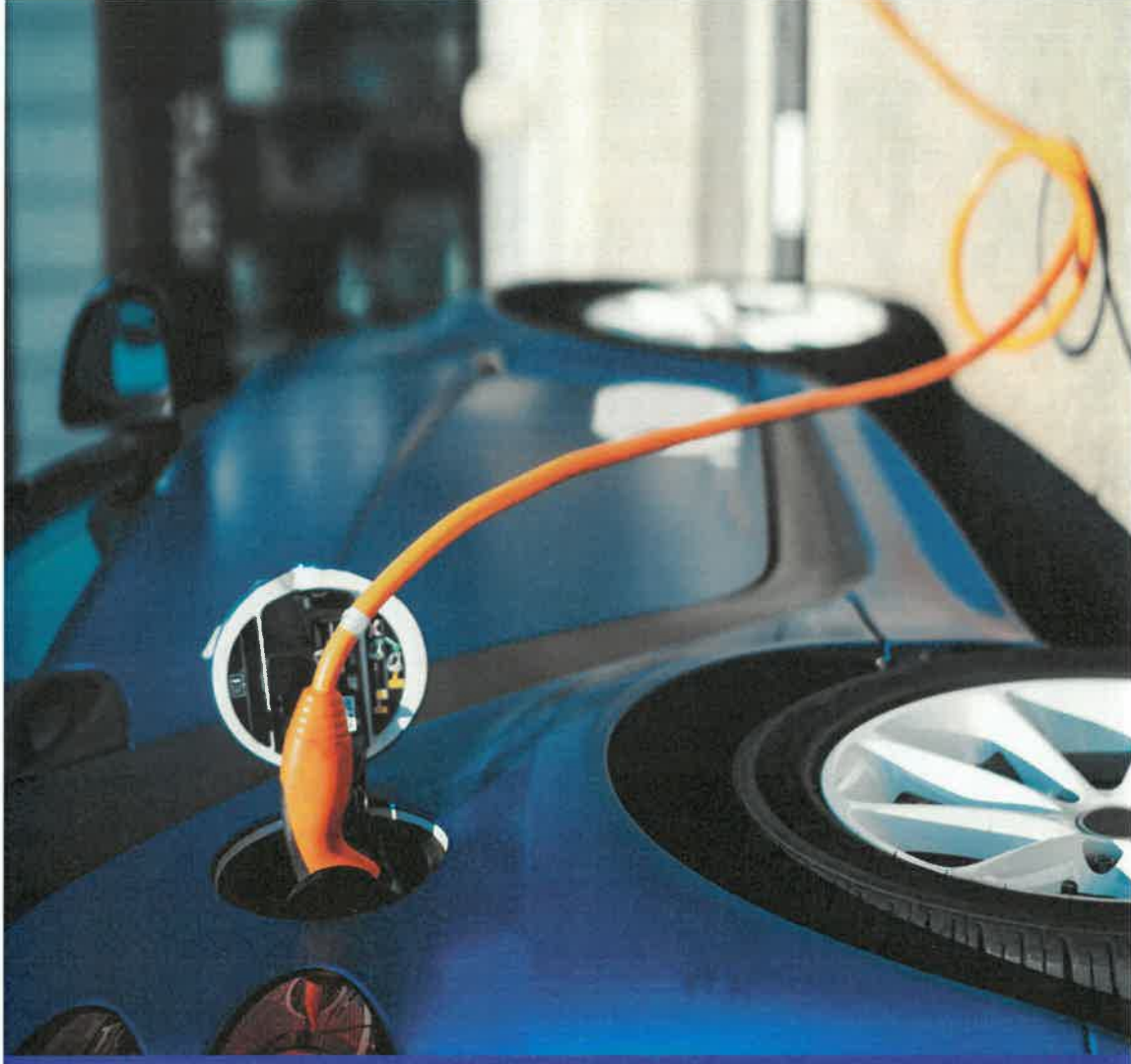
Fleet Electrification Assessment  
November 3, 2021

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use of the Report.

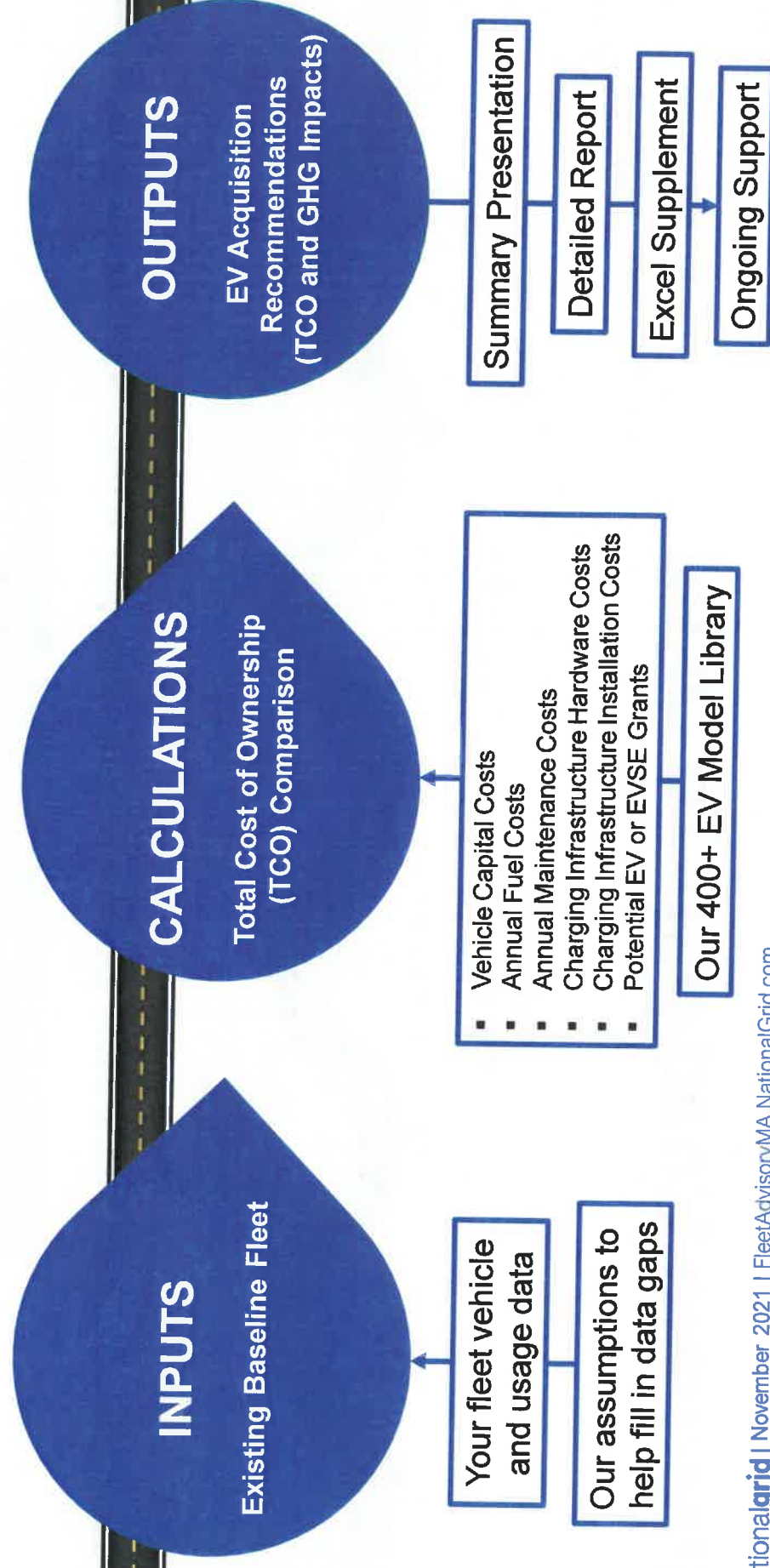
# Agenda

- Introductions
- Report Overview
- Report Refreshes and Future Check-Ins
- Fleet Advisory Portal

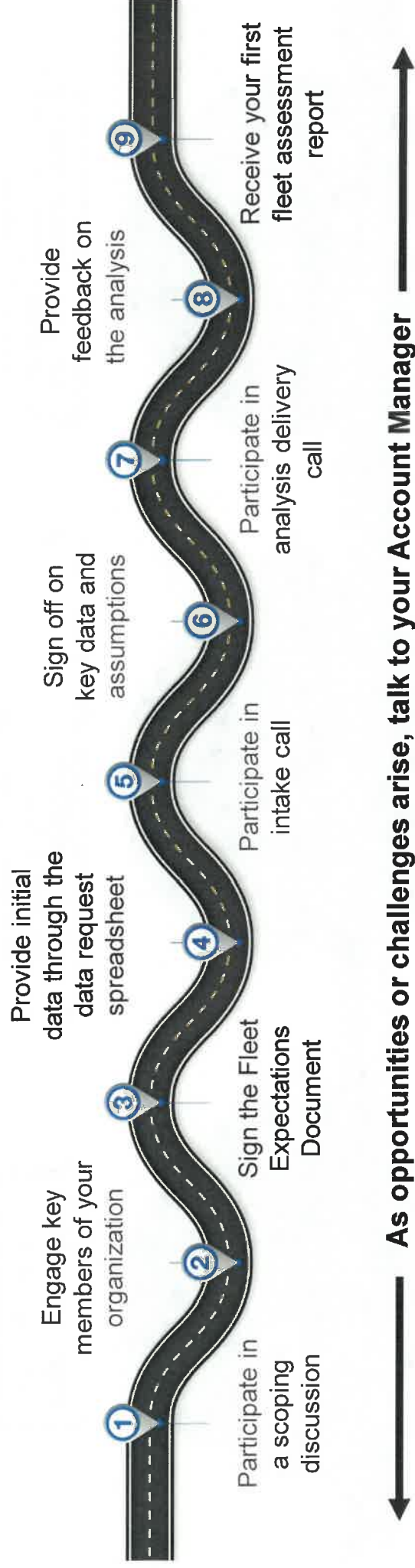




# Fleet Assessment Process



# Program Roadmap To Date

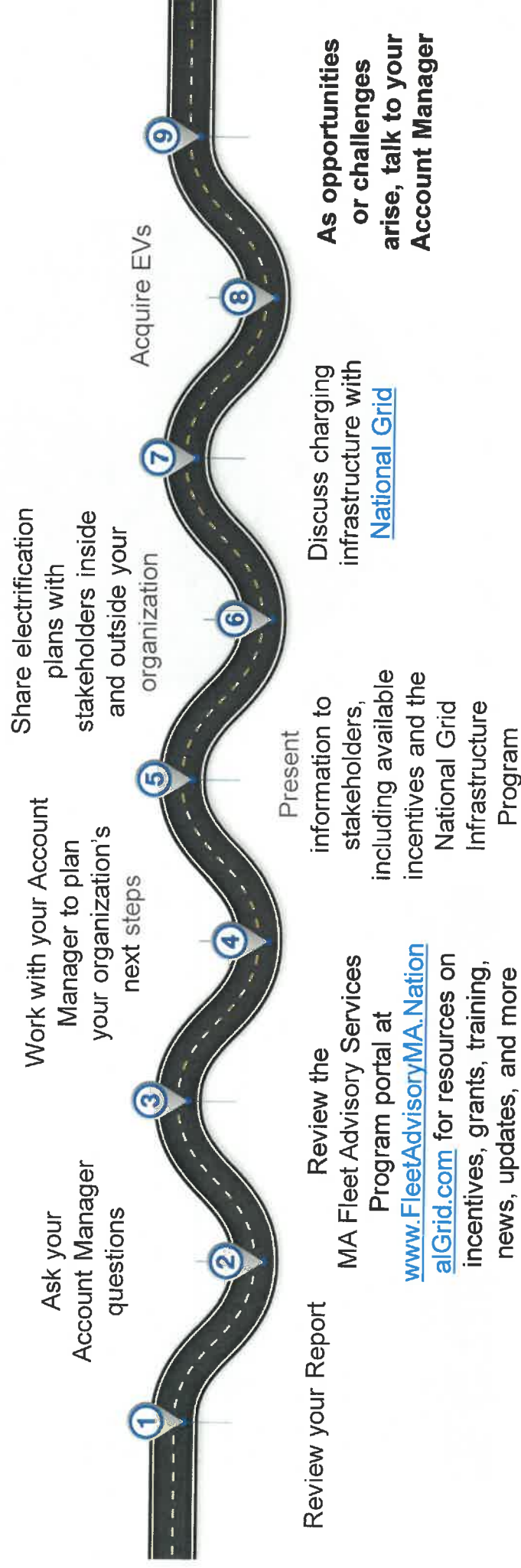


The road continues with:

- Report refreshes up to twice per year
- Technical assistance through August 2024!



# Your Roadmap to Fleet Electrification

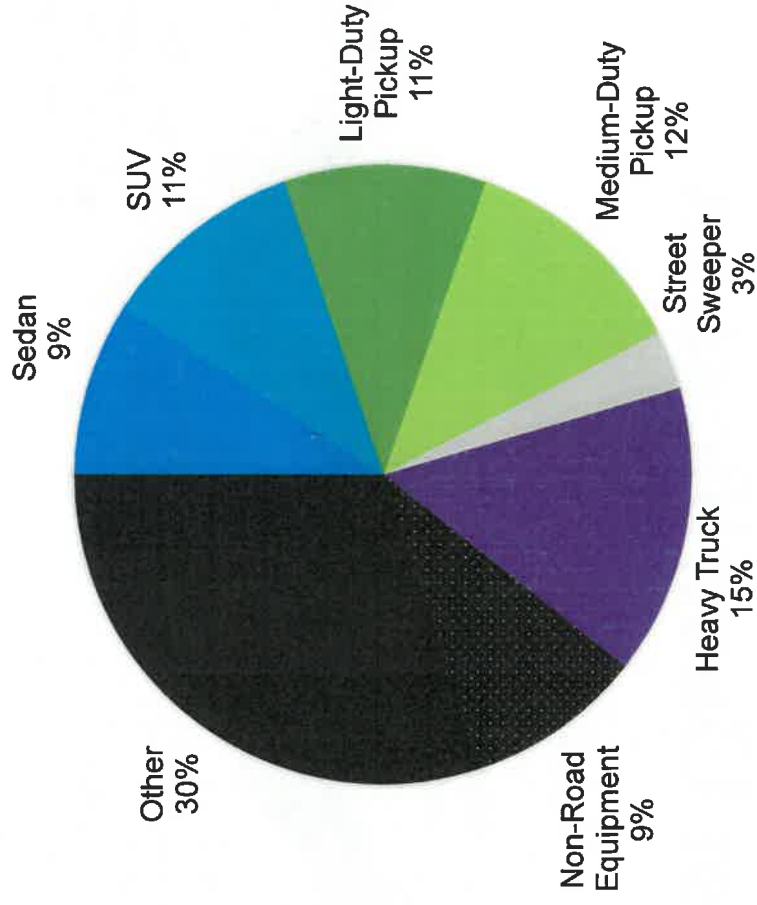


# Existing Fleet

Existing Fleet Fuel Type Distribution

Vehicle Type	Gasoline	Diesel	BEV
Sedan	5	0	1
Sports Utility Vehicle (SUV)	7	0	0
Light-Duty Pickup	7	0	0
Medium-Duty Pickup	7	1	0
Medium-Duty Vocational Truck	0	1	0
Street Sweeper	0	2	0
Heavy Truck	0	10	0
<b>TOTAL</b>	<b>26</b>	<b>14</b>	<b>1</b>

Existing Fleet – Vehicle Types



# Excluded Vehicles

## Vehicle Types Excluded from Analysis

Vehicle Type	Quantity	Reason for Exclusion
Ambulance	1	
Fire Truck	5	No EV Equivalent Commercially Available
Trailer	14	
BEV Sedan	1	No EV Equivalent Already Electric
<b>TOTAL</b>	<b>20</b>	

# Key Assumptions\*

- **Recommendation Threshold:** EV TCO < ICE TCO.
- **Vehicle Replacements:** The estimated retirement schedule is based on the vehicle model year and vehicle lifespan assumption (15 years).
- **Vehicle Usage & Range:**
  - Estimated mileage using AFLEET assumptions by vehicle type (see table).
  - Average daily mileage = annual mileage/250 days
  - Average temperature range of 22 to 88°F to assess potential temperature impact on EV ranges = reduced EV model ranges to 80% of their maximum mileage range.

Vehicle Annual Mileage Assumptions	
Vehicle Type	Average Annual Vehicle Mileage
Sedan	12,400
SUV	13,000
Light-Duty Pickup	11,400
Medium-Duty Pickup	24,000
Medium-Duty Vocational Truck	24,000
Heavy Truck	10,350

\*Additional assumptions detailed in the report.

# Incentive and Funding Sources (Slide 1 of 2)

Program	Light-Duty EVs	Medium-Duty EVs	Heavy-Duty EVs	Administrator	Vehicle Costs	EVSE Installation	EVSE Hardware	Program Offerings	Upcoming Deadlines	TCO Funding Assumptions
<a href="#">EV Charging Station Program</a>	✓	✓	✓	National Grid		✓	✓	Up to 50% of L2 EVSE hardware and 100% of installation costs (L2, DCFG) for BEV fleets	12/21/2021 (Have until 2023 to install)	100% of installation costs for BEV vehicle EVSE installed before 2024
<a href="#">MassEVIP Fleet Incentives</a>	✓			Massachusetts Department of Environmental Protection (MassDEP)	✓			Light-duty vehicles only. BEVs: \$7500/purchase or \$5000/lease; PHEVs: \$5000/purchase or \$3000/lease	First-come, first-serve	BEVs: \$7500/ purchase; PHEVs: \$5000/purchase
<a href="#">MassEVIP EVSE</a>	✓	✓	✓	MassDEP		✓	✓	Up to 60% of L2 EVSE hardware and installation costs	First-come, first-serve	60% of L2 EVSE hardware & installation costs

# Incentive and Funding Sources (Slide 2 of 2)

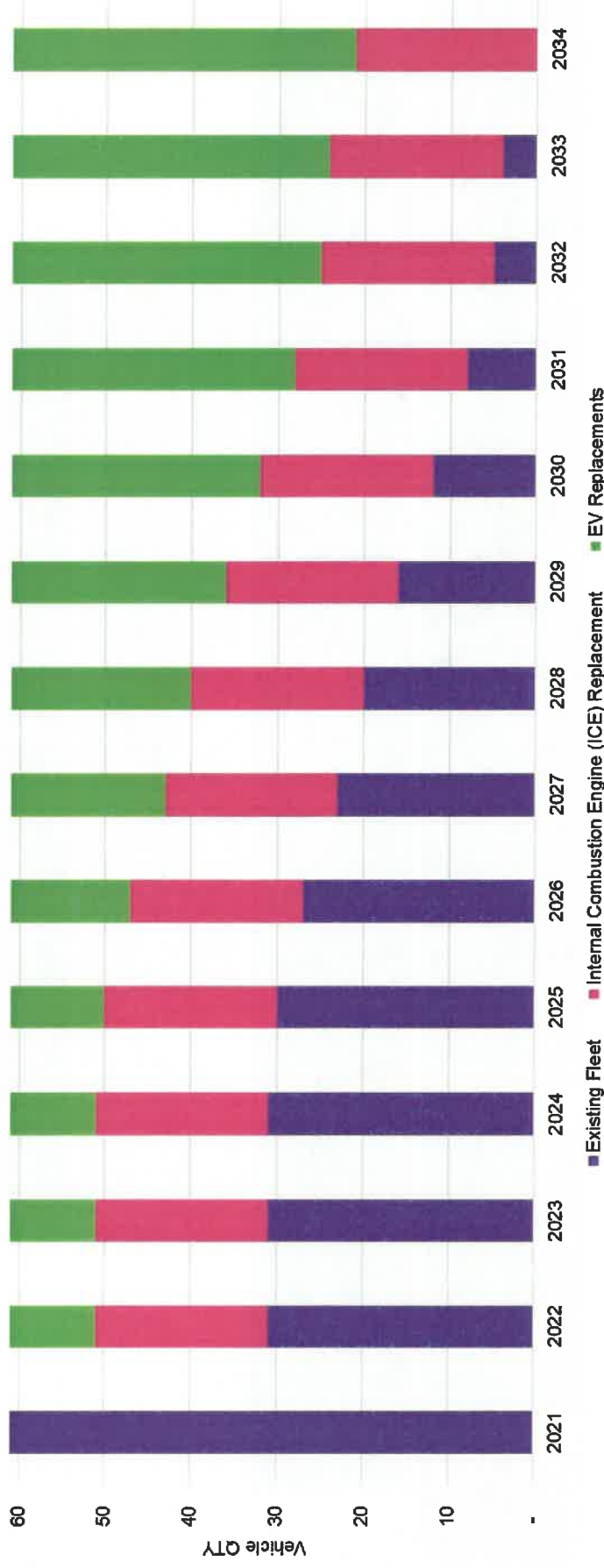
Program	Light-Duty EVs	Medium-Duty EVs	Heavy-Duty EVs	Administrator	Vehicle Costs	EVSE Installation	EVSE Hardware	Program Offerings	Upcoming Deadlines	TCO Funding Assumptions
<a href="#">Diesel Emission Reduction Act (National)</a>		✓	✓	EPA	✓	✓	✓	Up to 45% of EV and EVSE costs, must replace a diesel vehicle with 7,000+ annual miles	TBD	45% of EV capital costs & EVSE hardware costs (heavy trucks)
<a href="#">MOR-EV Trucks</a>		✓	✓	Massachusetts Department of Environmental Resources (MA DOER)	✓			\$7,500 - \$90,000 per vehicle over 8,501 GVWR (lbs.)	First-come, first-serve	\$15,000 for medium duty pickups, \$90,000 for heavy trucks purchased
<a href="#">Green Communities Grant Program</a>	✓	✓	✓	MA DOER	✓			BEVs: \$7500/purchase or \$5000/lease; PHEVs: \$5000/purchase or \$3000/lease	Block 1: 4/9/2021 Block 2: 10/8/2021 (program offered annually)	\$7,500 for BEVs purchased

# Fleet Assessment Vehicle Breakdown





# Recommended Replacement Timeline



Replacement Timeframe: 2022-2034  
TCO Analysis Timeframe: 2022-2048

# Electrification Recommendation Impacts

Based on our analysis, converting 40 vehicles to EVs is estimated to produce the following impacts:



**\$2,542,316**

TCO savings over 27 years\*



**\$1,293,049**

fuel cost savings over 27 years\*



**\$578,583**

maintenance savings over 27 years



**10,909**

metric tons (MT) of CO2 eliminated over 27 years

[nationalgrid](https://nationalgrid.com) | November 2021 | [FleetAdvisoryMA.NationalGrid.com](https://FleetAdvisoryMA.NationalGrid.com)

Over 27 years, those estimated CO2 reductions equate to:



eliminating **1,255** homes' energy use for one year, or:



switching **414,535** incandescent lamps to LEDs, or:



recycling **3,709** tons of waste instead of landfilling it, or:



planting **179,996** trees.

\* NPV assumes a 5% discount rate. **13**

# Electrification Recommendations (Slide 1 of 1)

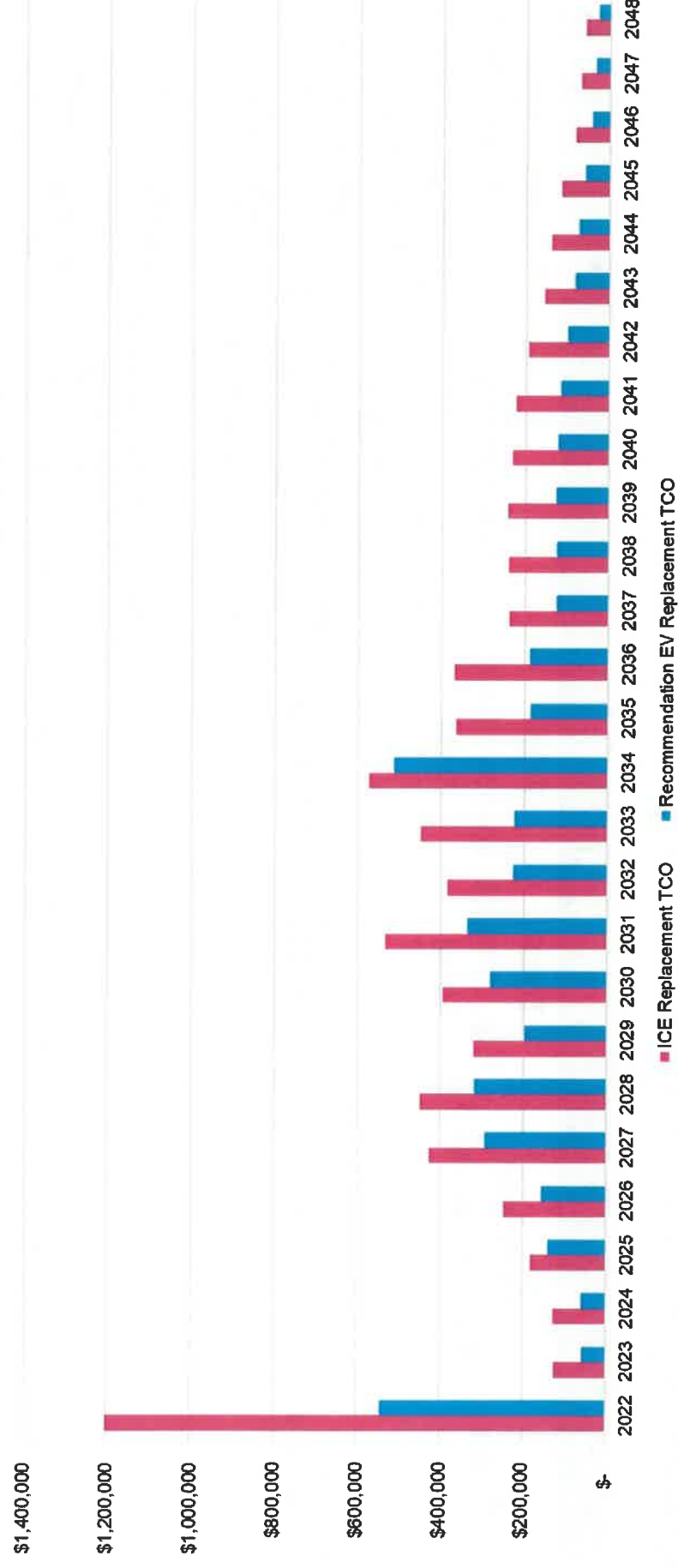
## 13-Year Electrification Recommendations

Vehicle Type	Quantity Up for Retirement (in 13 Years)	Quantity Recommended to Convert to Electric	Recommended Make/ Model/ EV Type	Financial Savings (across 27 years)	GHG Emission Reductions (across 27 years, MT)	EVSE	
						L2	DCFC
Sedans	6	5	Nissan/ Leaf S/ BEV	\$63,498	242	5	0
SUVs	7	7	Mazda/ MX-30 EV/ BEV	\$150,860	524	7	0
Light-duty Pickups	7	7	Ford/ F-150 Lightning/ BEV	\$184,674	601	7	0
Medium-duty Pickups	8	8	Atlis/ XT (300 mi) / BEV	\$310,666	2,134	0	8
Heavy Truck	10	10	SEA Electric/ SEA Ford F-750 EV/ BEV	\$1,477,783	3,824	0	10
Medium-Duty Vocational Truck	1	1	Bollinger/ Commercial/ BEV	\$80,756	185	0	1
Street Sweeper	2	2	Global/ M3 Supercharged/ BEV	\$274,078	3,398	0	2
<b>TOTAL</b>	<b>41</b>	<b>40</b>	<b>-</b>	<b>\$2,542,316</b>	<b>10,909</b>	<b>19</b>	<b>21</b>

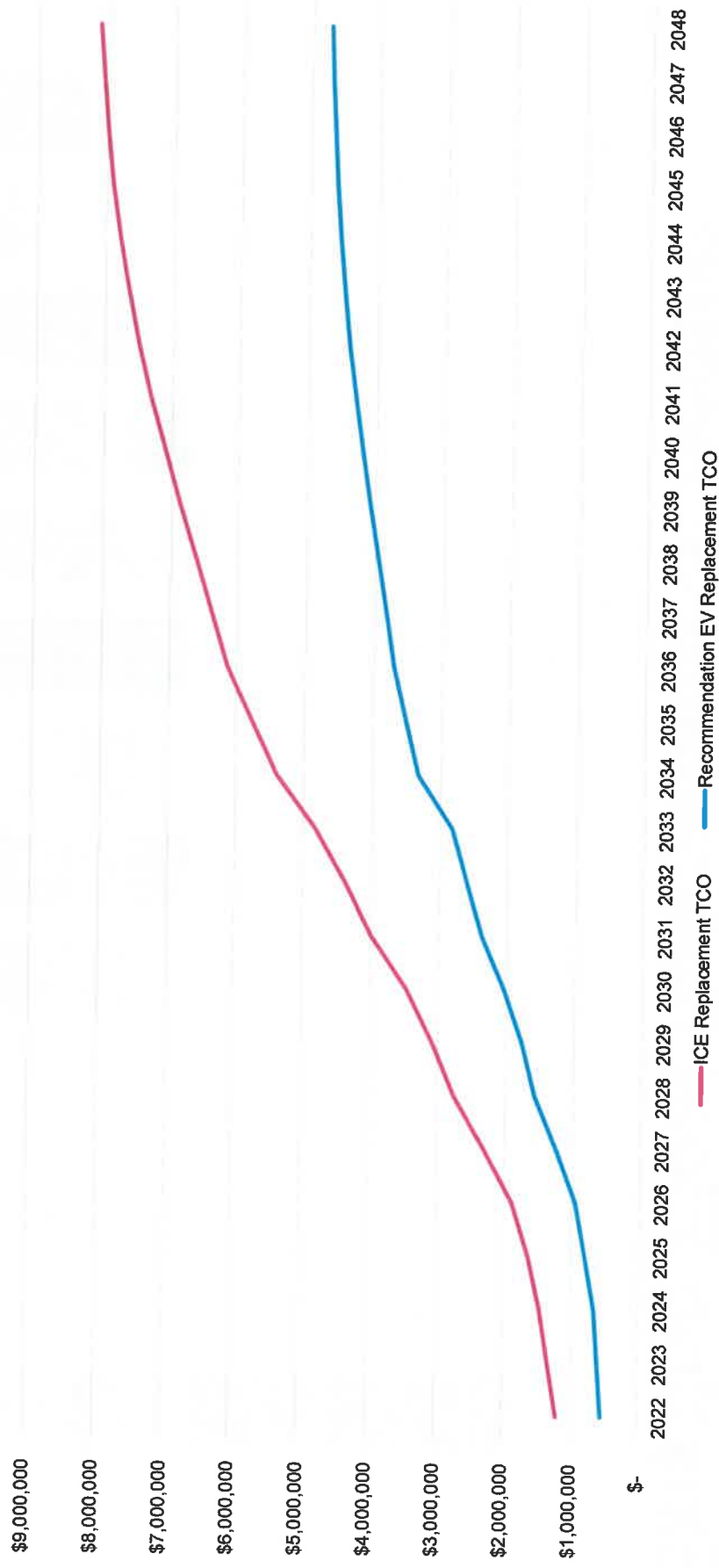
# Charger Recommendations

Charger Recommendations				
Type	Number Recommended	Total Equipment Cost	Total Installation Cost	Typical Light-Duty Range and Charge Times
Level 2	19	\$65,550	\$126,350	Use a 208 V (commercial) or 240 V (residential) AC split phase service 10-20 miles of range per hour (4-6 hours for full charge)
DC Fast	21	\$569,000	\$707,500	Use 208 V or 480 V AC, three-phase service connection requiring a dedicated circuit 60-80 miles in 20 minutes of charging (~0.5 hours for full charge)

# Total Cost of Ownership Comparison

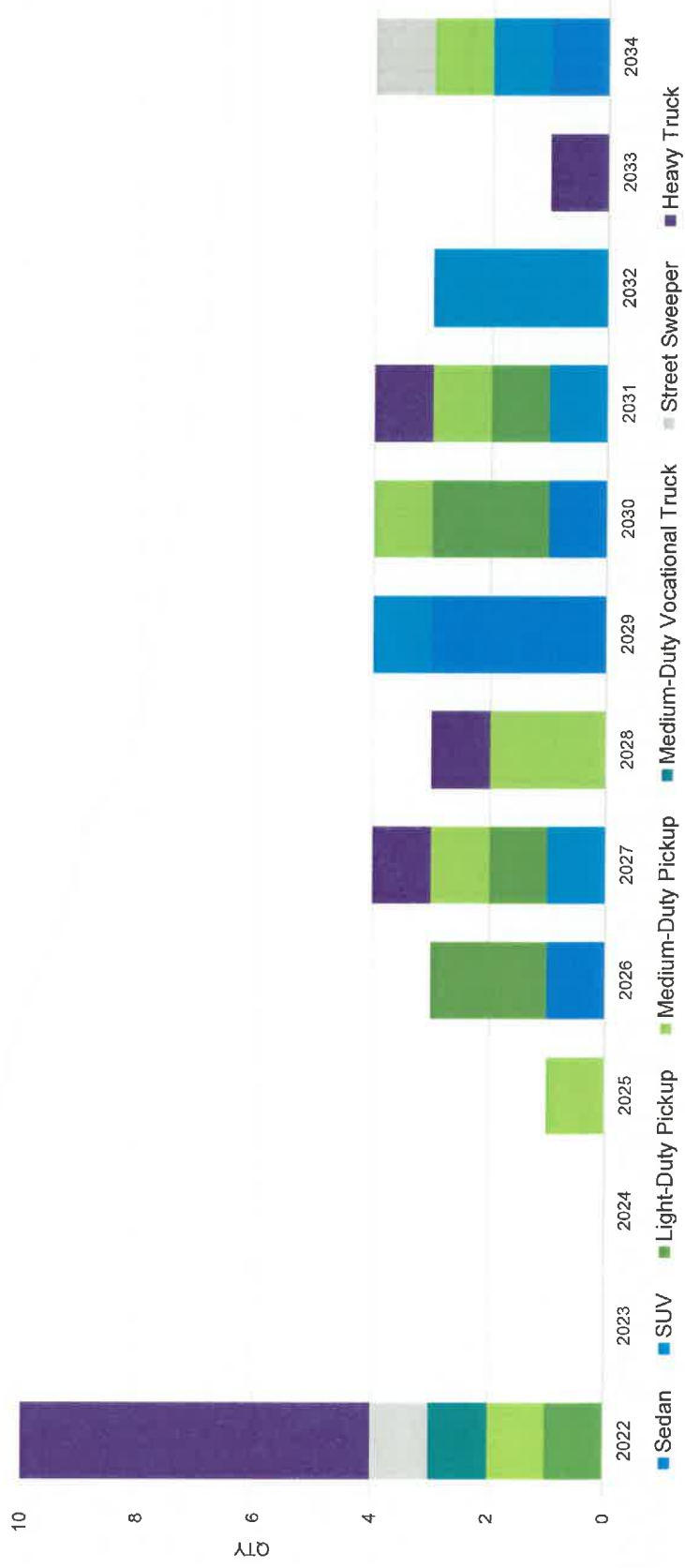


# Total Cost of Ownership Comparison



# Existing Fleet Retirement Schedule

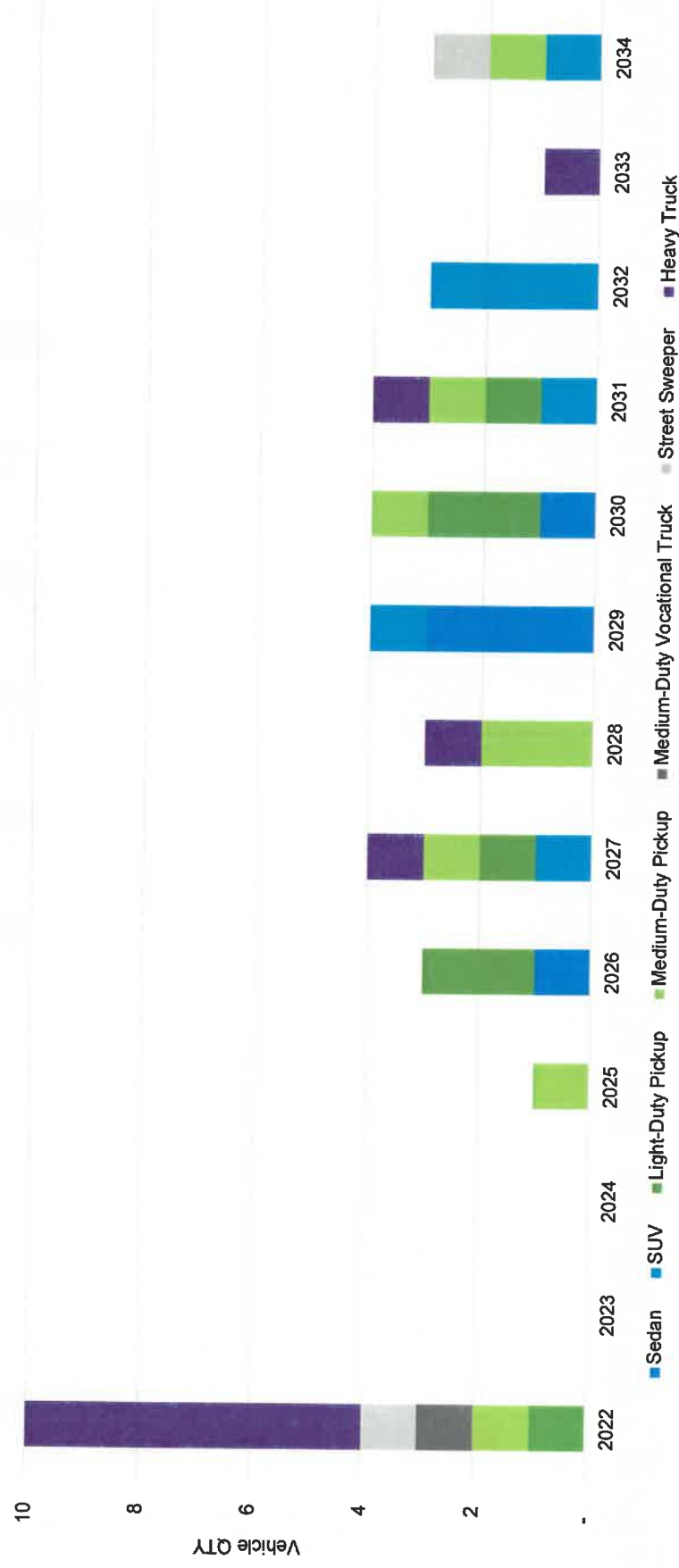
12





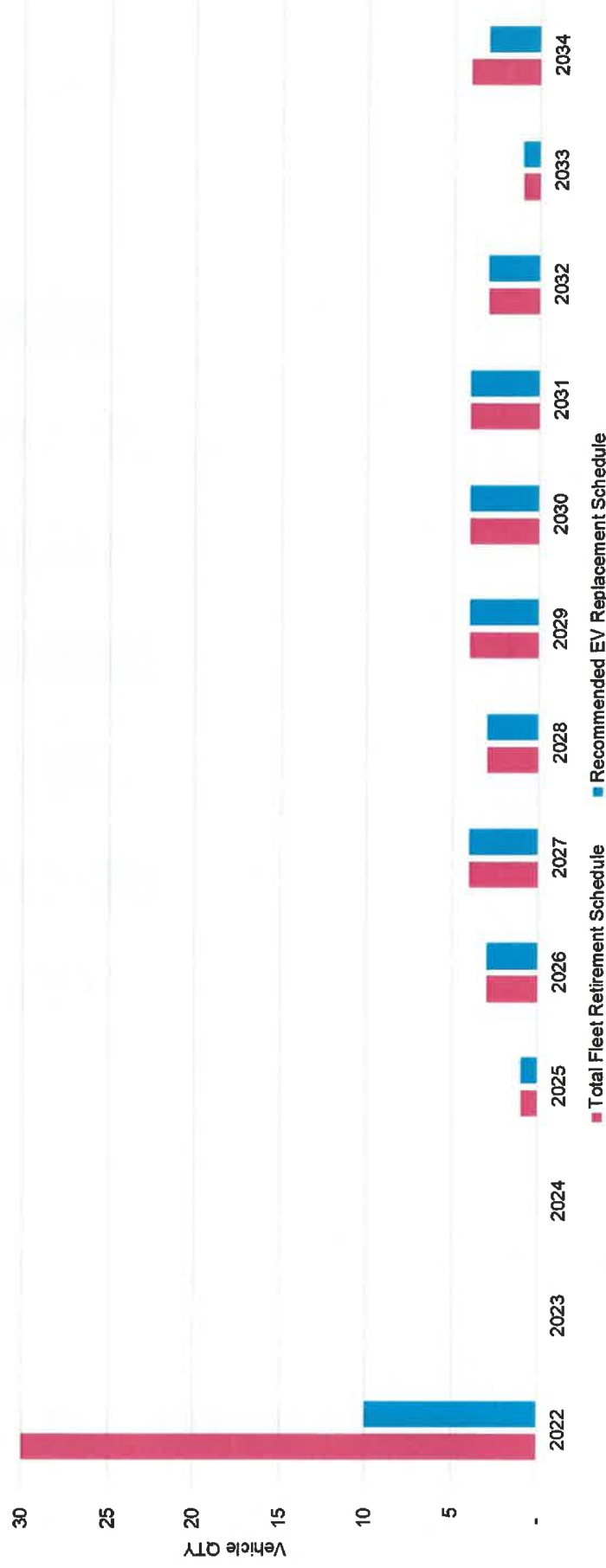
# Recommended EV Replacement Timeline

12



# Retirement and EV Replacement Timelines

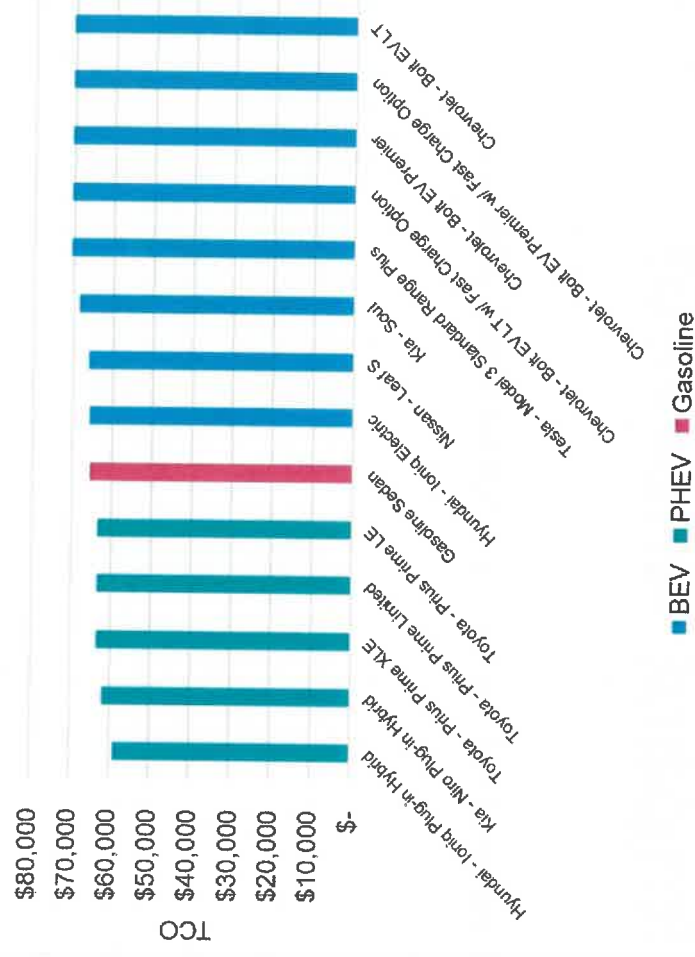
35



# EV Model Comparison

- Over 400 EV models in our EV library used for comparison
- Our EV acquisition recommendations are based on the model with the lowest TCO available that fits your fleet's needs
- The report provides additional EV models options for each vehicle type within the same price range

Sedan EV Model Total Cost of Ownership Comparison



# Fleet Environmental Impact Analysis

By converting the 40 recommended vehicles to EVs:

**10,909**

GHG Emission Reductions  
(MT over 27 years)

**27,972**

NOx Emission Reductions  
(Lbs. over 27 years)

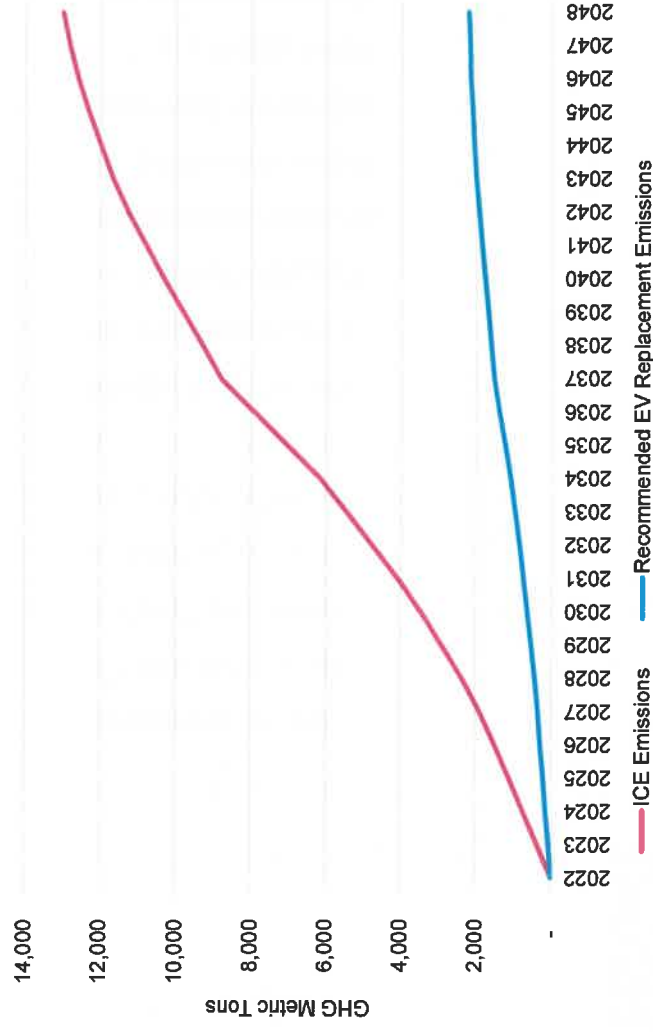
**2,356**

Equivalent to removing  
passenger vehicles from  
the road for one year

**179,996**

Equivalent to tree seedlings  
grown for 10 years

Cumulative Fleet Green House Gas Emissions



# Next Steps



## Get Support

Have questions about this report? Contact your Account Manager to discuss challenges and answer questions.



## Explore Resources for Electrifying.

Log onto the MA Fleet Advisory Services Program's online portal to find resources about available incentives, trainings, news and updates, and more.



## Move Forward with Electrifying Your Fleet.

Circulate the findings of this report with key stakeholders in your organization. Contact your Account Manager for additional support in preparing to present these findings and incorporate them into your planning.

## Your Fleet Advisory Portal has the tools you need to succeed.

Log in at [www.FleetAdvisoryMA.NationalGrid.com](http://www.FleetAdvisoryMA.NationalGrid.com) and you can:

- See your MA Fleet Advisory Services reports
- Explore funding opportunities
- Find RFP language to help your fleet acquire EVs
- Find partners that can support your transition to EVs
- Find information about EV and EVSE operation and maintenance
- Identify trainings
- Stay up to date on the latest industry news

**We're here to help.** Contact us for help with your report, support navigating next steps, or just to speak with an expert.

**Web:** [www.FleetAdvisoryMA.NationalGrid.com](http://www.FleetAdvisoryMA.NationalGrid.com)

**Email:** [FleetAdvisoryMA@icf.com](mailto:FleetAdvisoryMA@icf.com)

**Phone:** 617-218-2100





Priority #1										Priority #2			Priority #3		
#	Vehicle Type	Make	Model	Year	Engine Fuel	Annual Mileage	Typical Mileage per Day in Use (variable dispatch with more specific mileage if available)	Scheduled Vehicle Retirement Year	Vehicle Sub-Type (if applicable)	Police Patrol Vehicle?	Available Time to Charge at Night	VIN (or unique vehicle identifier)	In Service Date	Current Mileage (Most Recent Odometer Reading)	Date of Most Recent Mileage Reading
Data Source / Assumption if Not Provided: Assumed based on Vehicle Make and Model Determined using AFLEET file-provided VIN Model Year + AFLEET Vehicle Life (minimum 2022)															
1	Other	Karavan	Boat Trailer - KBE-125i	2009		0	0	2022	Trailer	0	0	5K7BS1618P559425	2009		
2	Other	Haul	Utility Trailer	2009		0	0	2022	Trailer	0	0	16HC8121XBP072562	2009		
3	Other	Holme Utility	Utility Trailer	2007		0	0	2022	Trailer	0	0	SLVBV16217A014622	2007		
4	Other	Speed Constr	Trailer	2001		0	0	2022	Trailer	0	0	MPH5230130JPC135	2001		
5	Light-Duty Pickup	Chevrolet	Silverado Pickup	2011	Gasoline	11,400	48	2026	0	0	0	1G80CVC00BF123749	2011		
6	Medium-Duty Pickup	Chevrolet	Silverado K3500	2010	Gasoline	24,000	98	2025	0	0	0	1G86KZBK7AF146275	2010		
7	Light-Duty Pickup	Chevrolet	Silverado 1500 Crew C	2011	Gasoline	11,400	48	2026	0	0	0	1G83KZC02BF233760	2011		
8	Medium-Duty Pickup	Chevrolet	K3500	2012	Gasoline	24,000	96	2027	0	0	0	1G83KZC02BF233760	2012		
9	Other	COTC Utility Trailer	Trailer	2010		0	0	2022	Trailer	0	0	1G83KZC02BF233760	2010		
10	Sedan	Ford	Crown Vic	2011	Gasoline	12,400	50	2026	0	0	0	4YMUL0818AV080462	2011		
11	Heavy Truck	International	700 Ser Dump	2012	Diesel	10,350	41	2027	Straight Truck	0	0	2FABP7BVBX129092	2012		
12	Other	COTC Utility Trailer	Trailer 295G	2012		0	0	2022	Trailer	0	0	1HTWDAAR6CJ089261	2012		
13	SUV	Ford	Expedition	2012	Gasoline	13,000	52	2027	0	0	0	4YMUL1010CV045953	2012		
14	Other	Gene Cargo	Fire Tanker	2012	Gasoline	13,000	52	2027	0	0	0	1FMJUH69CE52289	2012		
15	Heavy Truck	International	7400	1980		0	0	2022	Flattruck	0	0	1HTWDAAR6CJ089261	1980		
16	Sedan	Ford	Focus	2013	Diesel	10,350	41	2028	Straight Truck	0	0	1HTWDAAR6CJ089261	2013		
17	Medium-Duty Pickup	GMC	Sierra K3500	2014	Gasoline	12,400	96	2028	0	0	0	1FADP3R41EL150828	2014		
18	Sedan	Chevrolet	Caprice	2013	Gasoline	12,400	96	2028	0	0	0	1G0322CG6D2356283	2013		
19	Medium-Duty Pickup	Ford	F450 Super Duty Crew	2013	Gasoline	12,400	96	2028	0	0	0	6G3NSU527EL929782	2013		
20	Sedan	Chevrolet	Caprice	2014	Gasoline	12,400	96	2028	0	0	0	1FDUF4HT14DEB78441	2014		
21	Light-Duty Pickup	Chevrolet	Silverado K1500	2015	Gasoline	11,400	46	2030	0	0	0	6G3NSU520EL978175	2015		
22	SUV	Ford	Explorer	2014	Gasoline	13,000	52	2029	0	0	0	1GCKNKEH2FZ211261	2014		
23	Light-Duty Pickup	Chevrolet	Silverado K1500	2015	Gasoline	11,400	46	2030	0	0	0	1GCKNKEH2FZ211261	2015		
24	Medium-Duty Pickup	Chevrolet	Silverado K3500	2015	Gasoline	11,400	46	2030	0	0	0	1GCKNKEH2FZ211261	2015		
25	Other	KME	Pumper Fire E2	2016	Gasoline	24,000	96	2030	0	0	0	1GCKNKEH2FZ211261	2016		
26	Light-Duty Pickup	Ford	F250 Super Duty Crew	2016	Gasoline	11,400	46	2030	0	0	0	1GCKNKEH2FZ211261	2016		
27	Medium-Duty Vocational	Steward	Utility Truck	2016	Gasoline	11,400	46	2030	0	0	0	1GCKNKEH2FZ211261	2016		
28	Light-Duty Pickup	Ford	F250 Super Duty Crew	2016	Gasoline	11,400	46	2030	0	0	0	1GCKNKEH2FZ211261	2016		
29	Heavy Truck	International	7500	1998	Diesel	24,000	96	2030	0	0	0	1GCKNKEH2FZ211261	1998		
30	Other	Ford	E-450 Ambulance	2007	Diesel	10,350	41	7/23/1905	Straight Truck	0	0	1F7X2B89GEA59780	2007		
31	Other	Mini Utility	Trailer	2005		0	0	7/14/1905	0	0	0	AT40528C1E	2005		
32	Other	Mini Utility	Trailer	2005		0	0	7/14/1905	0	0	0	1F7X2B89GEA59780	2005		
33	Heavy Truck	International	Dump	1998	Diesel	10,350	41	7/14/1905	Trailer	0	0	1F7X2B89GEA59780	1998		
34	Heavy Truck	International	Dump	1999	Diesel	10,350	41	7/14/1905	Trailer	0	0	1F7X2B89GEA59780	1999		
35	Heavy Truck	International	Dump	2005	Diesel	10,350	41	7/14/1905	Straight Truck	0	0	1F7X2B89GEA59780	2005		
36	Other	Magnum	Trailer	1999		0	0	7/14/1905	0	0	0	1F7X2B89GEA59780	1999		
37	Other	KME	Pumper	1999		0	0	7/14/1905	0	0	0	1F7X2B89GEA59780	1999		
38	Other	Energy Cyclon	Flattruck	1999		0	0	7/14/1905	0	0	0	1F7X2B89GEA59780	1999		
39	Other	International	Truck	1995	Diesel	10,350	41	7/14/1905	0	0	0	1F7X2B89GEA59780	1995		
40	Heavy Truck	International	4900	1997	Diesel	10,350	41	7/14/1905	0	0	0	1F7X2B89GEA59780	1997		
41	Heavy Truck	Elgin	Sweeper	2001	Diesel	10,350	41	7/14/1905	0	0	0	1F7X2B89GEA59780	2001		
42	Street Sweeper	International	Dump	2005	Diesel	10,350	41	7/14/1905	0	0	0	1F7X2B89GEA59780	2005		
43	Heavy Truck	Sterling	L8500	2007	Diesel	10,350	41	7/14/1905	0	0	0	1F7X2B89GEA59780	2007		
44	Heavy Truck	Chevrolet	Silverado K3500	2008	Gasoline	24,000	96	7/14/1905	0	0	0	1F7X2B89GEA59780	2008		
45	Medium-Duty Pickup	Chevrolet	Trailer	2008		0	0	7/14/1905	0	0	0	1F7X2B89GEA59780	2008		
46	Other	Ford	Explorer	2017	Gasoline	13,000	52	7/24/1905	0	0	0	1F7X2B89GEA59780	2017		
47	Other	Peque Utility	Trailer	2017		0	0	7/24/1905	0	0	0	1F7X2B89GEA59780	2017		
48	Other	North Utility	Trailer	2016		0	0	7/14/1905	0	0	0	1F7X2B89GEA59780	2016		
49	Other	International	7000	2018	Diesel	10,350	41	7/25/1905	Trailer	0	0	1F7X2B89GEA59780	2018		
50	SUV	Ford	Explorer	2019	Gasoline	13,000	52	7/26/1905	0	0	0	1F7X2B89GEA59780	2019		
51	Other	Chevrolet	1 Ton Dump 3500	2019	Gasoline	24,000	96	7/26/1905	0	0	0	1F7X2B89GEA59780	2019		
52	Heavy Truck	Elgin	Pelican Street Sweeper	2019	Gasoline	12,600	50	7/26/1905	0	0	0	1F7X2B89GEA59780	2019		
53	Medium-Duty Pickup	Ford	Med/Hvy Fire Dept - E	1987		0	0	7/26/1905	0	0	0	1F7X2B89GEA59780	1987		
54	SUV	Chevrolet	Silverado K3500	2016	Gasoline	24,000	96	7/23/1905	0	0	0	1F7X2B89GEA59780	2016		
55	Medium-Duty Pickup	Chevrolet	Trailer	2016		0	0	7/23/1905	0	0	0	1F7X2B89GEA59780	2016		
56	Light-Duty Pickup	Chevrolet	Silverado	2012	Gasoline	11,400	46	7/19/1905	0	0	0	1F7X2B89GEA59780	2012		
57	Other	Ford	Explorer	2017	Gasoline	13,000	52	7/24/1905	0	0	0	1F7X2B89GEA59780	2017		
58	Other	Nissan	Leaf	2019	BEV	12,400	50	7/26/1905	0	0	0	1F7X2B89GEA59780	2019		
59	Other	Chevrolet	Trailer	2003		0	0	7/14/1905	0	0	0	1F7X2B89GEA59780	2003		
60	Light-Duty Pickup	Chevrolet	Trailer	2016	Gasoline	13,000	52	7/23/1905	0	0	0	1F7X2B89GEA59780	2016		
61	SUV	Ford	Explorer	2017	Gasoline	13,000	52	7/24/1905	0	0	0	1F7X2B89GEA59780	2017		
62	Sedan	Ford	Explorer	1989	Gasoline	11,400	46	7/14/1905	0	0	0	1F7X2B89GEA59780	1989		
63	Other	Chevrolet	Charger	2015	Gasoline	12,400	50	7/22/1905	0	0	0	1F7X2B89GEA59780	2015		
64	SUV	Ford	Explorer	2017	Gasoline	13,000	52	7/24/1905	0	0	0	1F7X2B89GEA59780	2017		
65	Light-Duty Pickup	Chevrolet	Trailer	2016	Gasoline	13,000	52	7/23/1905	0	0	0	1F7X2B89GEA59780	2016		
66	Light-Duty Pickup	Chevrolet	Trailer	2017	Gasoline	13,000	52	7/24/1905	0	0	0	1F7X2B89GEA59780	2017		
67	Sedan	Dodge	Charger	2015	Gasoline	12,400	50	7/22/1905	0	0	0	1F7X2B89GEA59780	2015		





CALCULATIONS			REPLACEMENT RECOMMENDATIONS				INCENTIVE PROGRAMS APPLIED									
Onboard Service Equipment	Onboard Service Equipment	Annual Fuel QTY (Gallons)	Vehicle Life	Fuel Type	Make/Model	TCO Savings	EVSE	Reason not Recommended	DEFA (National)	MassEVP Vehicle	MassEVP EVSE	FTA No Low	NGRID EVSE: Custom	MOREV: Trucks	Green Communities	
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	610.3	15 BEV	Ford - F-150 Lightning	\$ 24,845	L2			Yes				Yes	Yes	
0	0	0	1,846.2	15 BEV	Atlis - XT (300 mi)	\$ 27,840	DCFC							Yes	Yes	
0	0	0	610.3	15 BEV	Ford - F-150 Lightning	\$ 24,845	L2			Yes				Yes	Yes	
0	0	0	1,846.2	15 BEV	Atlis - XT (300 mi)	\$ 28,118	DCFC							Yes	Yes	
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	400.9	15 BEV	Nissan - Leaf S	\$ 11,689	L2			Yes				Yes	Yes	
0	0	0	2,835.6	15 BEV	SEA Electric - SEA Ford F-750 EV	\$ 117,296	DCFC							Yes	Yes	
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	574.0	15 BEV	Mazda - MX-30 EV	\$ 19,704	L2			Yes				Yes	Yes	
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	2,835.6	15 BEV	SEA Electric - SEA Ford F-750 EV	\$ 123,327	DCFC							Yes	Yes	
0	0	0	400.9	15 BEV	Nissan - Leaf S	\$ 12,652	L2			Yes				Yes	Yes	
0	0	0	1,846.2	15 BEV	Atlis - XT (300 mi)	\$ 28,986	DCFC							Yes	Yes	
0	0	0	400.9	15 BEV	Nissan - Leaf S	\$ 12,652	L2			Yes				Yes	Yes	
0	0	0	1,538.5	15 BEV	Atlis - XT (300 mi)	\$ 73,138	DCFC							Yes	Yes	
0	0	0	400.9	15 BEV	Nissan - Leaf S	\$ 12,652	L2			Yes				Yes	Yes	
0	0	0	610.3	15 BEV	Ford - F-150 Lightning	\$ 26,705	L2			Yes				Yes	Yes	
0	0	0	574.0	15 BEV	Mazda - MX-30 EV	\$ 20,704	L2			Yes				Yes	Yes	
0	0	0	610.3	15 BEV	Ford - F-150 Lightning	\$ 28,705	L2			Yes				Yes	Yes	
0	0	0	1,846.2	15 BEV	Atlis - XT (300 mi)	\$ 31,714	DCFC							Yes	Yes	
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	610.3	15 BEV	Ford - F-150 Lightning	\$ 27,122	L2			Yes				Yes	Yes	
0	0	0	1,538.5	15 BEV	Bollinger - Commercial	\$ 80,766	DCFC		Yes				Yes	Yes	Yes	
0	0	0	2,835.6	15 BEV	SEA Electric - SEA Ford F-750 EV	\$ 129,367	DCFC									
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	2,835.6	15 BEV	SEA Electric - SEA Ford F-750 EV	\$ 162,862	DCFC			No EV Equivalent			Yes	Yes	Yes	
0	0	0	2,835.6	15 BEV	SEA Electric - SEA Ford F-750 EV	\$ 162,862	DCFC		Yes				Yes	Yes	Yes	
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	2,835.6	15 BEV	SEA Electric - SEA Ford F-750 EV	\$ 162,862	DCFC			No EV Equivalent				Yes	Yes	
0	0	0	2,835.6	15 BEV	SEA Electric - SEA Ford F-750 EV	\$ 162,862	DCFC		Yes				Yes	Yes	Yes	
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	2,835.6	15 BEV	SEA Electric - SEA Ford F-750 EV	\$ 162,862	DCFC			No EV Equivalent				Yes	Yes	
0	0	0	2,835.6	15 BEV	SEA Electric - SEA Ford F-750 EV	\$ 162,862	DCFC		Yes				Yes	Yes	Yes	
0	0	0	1,846.2	15 BEV	Atlis - XT (300 mi)	\$ 51,680	DCFC							Yes	Yes	
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent					Yes	Yes	
0	0	0	574.0	15 BEV	Mazda - MX-30 EV	\$ 22,028	L2			Yes				Yes	Yes	
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	2,835.6	15 BEV	SEA Electric - SEA Ford F-750 EV	\$ 130,619	DCFC							Yes	Yes	
0	0	0	574.0	15 BEV	Mazda - MX-30 EV	\$ 22,764	L2			Yes				Yes	Yes	
0	0	0	1,846.2	15 BEV	Atlis - XT (300 mi)	\$ 34,755	DCFC							Yes	Yes	
0	0	0	12,600.0	15 BEV	Global - M3 SUPERCHARGED	\$ 117,747	DCFC							Yes	Yes	
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	1,846.2	15 BEV	Atlis - XT (300 mi)	\$ 32,459	DCFC							Yes	Yes	
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	610.3	15 BEV	Ford - F-150 Lightning	\$ 25,271	L2			Yes				Yes	Yes	
0	0	0	574.0	15 BEV	Mazda - MX-30 EV	\$ 22,028	L2			Yes				Yes	Yes	
0	0	0	0	-	N/A	N/A	\$ -	-	Already Electric							
0	0	0	0	-	N/A	N/A	\$ -	-	No EV Equivalent							
0	0	0	574.0	15 BEV	Mazda - MX-30 EV	\$ 21,603	L2			Yes				Yes	Yes	
0	0	0	574.0	15 BEV	Mazda - MX-30 EV	\$ 22,028	L2			Yes				Yes	Yes	
0	0	0	610.3	15 BEV	Ford - F-150 Lightning	\$ 29,182	L2			Yes			Yes	Yes	Yes	
0	0	0	400.9	15 BEV	Nissan - Leaf S	\$ 13,253	L2			Yes				Yes	Yes	





## Anne Camaro, MPA, ENP

62 Beaudry St. Marlborough, MA 01752 - annecamaro@gmail.com  
508-816-1685

Administrative Board  
NVRDD  
270 Barnum Road  
Devens, MA 01434

September 14, 2021

Dear Members of the Administrative Board,

It is with pleasure and dedication that I write to you to express my interest in the Executive Director position posted on the Nashoba Valley Regional Dispatch District's website. I believe I have the experience, skills, and educational background that you require to successfully fill this position. From preparing budgets and managing procurement to implementing reporting procedures and hiring and developing staff, my background has consistently been characterized by my commitment to balance fiscal responsibility and organizational objectives.

In my current role with the City of Cambridge and in my past experiences with the Town of Maynard and City of Framingham, I have been challenged to strategically define and meet goals, benchmarks and standards. In the last four and half years I have produced different departmental improvement plans, assisted with the development and implementation of several projects to include the implementation of technology as well as policies and procedures, and standardized departmental practices. I work well with the public and private entities that serve the City of Cambridge, and would like to bring my experience, emergency communications expertise, leadership, and management skills to the NVRDD. I am confident in my competency and abilities to lead a regional communications center, and have proven to be a valuable resource to my past and current employers. I am a driven individual, with high standards and a knack for the emergency communications field.

I look forward to hearing from your team and setting up a time to meet and discuss this amazing opportunity.

Sincerely,

*Anne Camaro*



# Anne Camaro, MPA, ENP

62 Beaudry St. Marlborough, MA 01752  
annecamaro@gmail.com - 774-423-8026

## PROFESSIONAL SUMMARY

Motivated public safety leader with 15 years of progressive communications, operations and management experience. Team player dedicated to coaching and mentoring employees to improve their skills and techniques in order to reach larger goals. Visionary behind agency operations and strategies. Detail-oriented multi-tasker who thrives in fast-paced environments, striving for advanced innovation and top-level performance.

## EXPERIENCE

### City of Cambridge, MA – Assistant Director of Operations

OCT. 2020 - PRESENT

- Active Development and implementation of policies and procedures.
- Completed the Communications Center Console Replacement Project.
- Scheduling and Payroll Management
- Staffing level analysis and management
- Data Reporting.
- Planning and Managing major and special events, weather related events, and command posts. Activating and staffing the Emergency Operations Center.
- Labor Relations: Hiring, Discipline, Contract Negotiations, Grievance Investigations, Impact Bargaining.
- Supervised the fiscal services of the Department including accounting, collections, budgeting, purchasing and financial reporting and auditing for both general fund accounts and grants.
- Standardized reporting of department activities to City Management based on benchmarks and data management.
- Directed all department outreach activities and public education programs, as well as a wellness, critical incident stress management and peer support program.
- Advised and Implemented Radio Upgrades.
- CJIS Agency Administrator
- CJIS/NCIC Local Agency Security Officer (LASO)

### City of Cambridge, MA – Assistant Director of Administration and Training

OCT. 2016 - OCT.2020

- Development and implementation of policies and procedures.
- Supervised department fiscal activities: accounting, collections, budgeting, purchasing and financial reporting and auditing..
- Standardized reporting of department activities to City Management based on benchmarks and data management.
- Directed all department outreach activities and public education programs, as well as a wellness, critical incident stress management and peer support program.
- Developed and implemented a Quality Assurance and Improvement Program.
- Grant Management

## CONTACT

62 Beaudry St.  
Marlborough, MA 01752  
(508)816-1685  
annecamaro@gmail.com

[linkedin.com/in/annecamaro](https://www.linkedin.com/in/annecamaro)

## EDUCATION

### Society for Human Resource Management

People Manager Qualification (PMQ)

APRIL 2021

### National Emergency Number Association (NENA)

Emergency Number Professional (ENP)

OCTOBER 2019

### Arkansas State University

Master's Degree in Public Administration

DEC 2017

### Suffolk University

Graduate Certificate in Local Government Leadership and Management

MAY 2016

### University of Massachusetts

Bachelor's Degree in Criminal Justice & Psychology

MAY 2007

## MEMBERSHIPS

APCO International  
NENA  
MCSA  
ASPA  
PSPSA  
IPSA

- Developed and implemented a standardized department wide model for hiring, background checks, and training.
- Designed and implemented a standardized in-house training program
- Successfully managed the implementation of the NG-911 System in 2017
- Successfully managed and implemented software for policy distribution, tracking and training for both ECD and Cambridge Police Department.
- Responsible for the communications center redesign project, assisted in procurement of a new firehouse alerting system.

### **Town of Maynard, MA — Director of Communications**

FEB 2014 - OCT 2016

- Established a combined civilian dispatch center for Police, Fire and EMS services.
- Procured all equipment and oversaw installation and implementation of such.
- Responsible for the deployment of the Fire CAD System. Assisted Fire Chief in the Development of Fire RMS. Managed all Police CAD and RMS Systems.
- Developed and implemented policies and procedures.
- Facilitated all activities related to Town IT, Public Safety IT, and coordination of IT and Phone Systems vendors.
- Streamlined procurement and budgeting practices.
- Developed a systematic way to report Communications and Police Data to Town Management.
- Grant Management.
- Incorporated a training program focused on the adult learner, and the needs of different generation trainees, and a Quality Assurance Program for all calls for service (911 and Radio).

### **LANGUAGES**

Portuguese and Spanish

### **EMERGENCY MANAGEMENT**

ICS-00001

ICS-00029

ICS-00033

ICS-100

ICS-144

ICS-200

ICS-240

ICS-241

ICS-242

ICS-300

ICS-400

ICS-520

ICS-700

EOC-G775

ICS-800

Currently working on obtaining MA-CEM.

### **Town of Framingham, Framingham, MA — Communications Specialist**

MAY 2007 - FEB 2014

- Established a training program that incorporated both classroom learning and hands-on learning for new hires and current employees.
- Responsible for all matters pertaining to the 911 System and the Police Department's IT needs including CJIS and CAD Software.
- Coordinated a prompt and efficient response to calls for service. QA and QI of Emergency Medical calls for service.

### **COMMITTEES AND ASSOCIATION SERVICE**

- MASS-NENA - Vice President
- MASS - NENA - Chair of Massachusetts Chapter of Women in 911 Alliance
- NENA - Acute Stress Management Standard Workgroup
- NENA - Women in 911 Alliance
- MCSA - Website Committee
- APCO ATLANTIC - Training Committee
- IPSA - Communications Advisory Committee

### **REFERENCES**

Available upon request.







OFFICE OF THE GOVERNOR  
COMMONWEALTH OF MASSACHUSETTS  
STATE HOUSE • BOSTON, MA 02133  
(617)725-4000

CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

November 18, 2021

Everett Moody, Chief  
Lancaster Police Department  
1053 Main Street  
Lancaster, MA 01523

Dear Chief Moody:

Congratulations! We are pleased to inform you that the Executive Office of Public Safety and Security's Office of Grants and Research (OGR) has awarded the **Lancaster Police Department** \$31,730.00 for your FY22 Body Worn Cameras grant program. Funds are being made available from the Commonwealth of Massachusetts and administered by the OGR.

All documents necessary to make this award official will be forthcoming. Throughout the project period, the OGR will provide grant administrative assistance, oversight and technical assistance, as needed.

In the meantime, if you have any questions, please feel free to contact Thomas Ashe, OGR Project Coordinator at [Thomas.B.Ashe@mass.gov](mailto:Thomas.B.Ashe@mass.gov) or on the telephone at (617) 933-3518.

Congratulations on your award!

Sincerely,

A handwritten signature in blue ink that reads "Charles Baker".

Governor Charles D. Baker

A handwritten signature in blue ink that reads "Karyn E. Polito".

Lt. Governor Karyn E. Polito



**DRAFT MEMORANDUM OF AGREEMENT**  
**“The Landing” Development, Lancaster, Massachusetts**  
**[Insert date]**

**I. PRELIMINARY STATEMENT**

This contract, executed by the Parties on [insert date], shall become effective immediately upon passage by Lancaster Town Meeting’s approval of the North Lancaster Smart Growth Overlay District bylaw, or revisions thereto, in conjunction with a defined portion of the 40R District as shown on the attached site plan. This Memorandum of Agreement (“MOA”) is executed between [insert property holding entity], the Property Owner, its successors and assigns, and the Town of Lancaster (“Town of Lancaster” or “Town”) in accordance with M.G.L. Chapter 40R. The Property Owner’s commitments and terms listed in this MOA are offered freely and in response to the calculation of development impacts from the proposed development at approximately 1410-1474 Lunenburg Road. This MOA shall hereafter be in full force and effect .../...

Questions: Reference to Rezone of Residential Parcel? And/or AG approval of bylaw?

The Parties to this MOA are:

- A. The Town of Lancaster, Massachusetts, by and through its Select Board. As used in this MOA, “Lancaster” shall also mean the Town of Lancaster as a municipal entity or its Boards, Commissions, Departments and staff, as applicable in context.
- B. The Landing [insert entity], with a business address of .../...

**II. RECITALS**

.../...

**III. TERMS OF AGREEMENT**

A. Description of Project and Concept Plan

.../...

- 1. Residential Apartments. Approximately 150 residential apartments with the following bedroom counts:
  - 1 bedroom: 50% (+/- 10%) = approx. 75
  - 2 bedroom: 40% (+/- 10%) = approx.. 120
  - 3 bedroom: Not less than 10% pursuant to MA Dept. of Housing & Community Development requirements = approx.. 45
  - Total bedroom count: approx.. 240

Total square footage: 2 buildings of approx.. 108,000 sqf = approx. 216,000 sqf total (shown on concept plan)

Affordability: 38 deed-restricted affordable units. 8% of total units capped at 60% AMI (12 units), remainder of affordable capped at 80% AMI (26 units). The affordable units are to be distributed evenly across the bedroom count percentages indicated above.

Location: The residential apartment development shall be situated at the current J.B. Hunt location.

Independent Entrance and Exit on Lunenburg Road at current JB Hunt site: See Section F. Infrastructure Improvements, (a) Front Door Improvements. .../...

2. Retail/office/commercial space including anchor with a total gross floor area not to 49% of total developed square feet in this project phase, i.e. approximately [X] square feet.

B. Affordability (40B reference)

C. Payment of Consultants and Legal Costs

D. Open Space & Trail Connectivity

E. Land Donation

F. Playground

G. Dog Park

H. MART Financial Contribution

- a) Annual assessment under MART Agreement
- b) Contribution for adequate shelter(s)

I. Infrastructure Improvements

J. Timing of Required Action

K. Town Meeting Costs

L. Conservation/Wetlands

M. Cooperation Efforts by the Town

N. Commitment to Build

O. Condition Precedent to Owner's Obligations and Covenants

P. Successors and Assigns

Q. Use Restrictions (and no adult entertainment uses)

R. Interpretation and Amendment





**Subdivision Settlement Participation Form - Distributor Settlement**

Governmental Entity:	Massachusetts
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("*Distributor Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Distributor Settlement.

7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including, but not limited to, all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.

11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Participation Form is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**Settlement Participation Form - J&J Settlement**

Governmental Entity:	Massachusetts
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("Janssen Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



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# Frequently Asked Questions About Statewide Settlements With Opioid Distributors and Johnson & Johnson

Your municipality should have recently received a notice about two national opioid settlements. This page provides answers to frequently asked questions regarding the notice and the settlements.

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**(1) My municipality received a Notice in the mail about two Opioid Settlements. Is it real?**

Yes. The [Notice](/doc/sept-24-2021-notice-regarding-national-oids-settlement) (</doc/sept-24-2021-notice-regarding-national-oids-settlement>) your municipality received relates to two [Settlements](/lists/national-oid-settlements-with-distributors-and-jj) (</lists/national-oid-settlements-with-distributors-and-jj>) resolving opioid claims against the nation's 3 largest distributors, Cardinal, McKesson and Amerisource Bergen, and opioid-maker Johnson & Johnson ("the **Settlements**") for their role in the opioid epidemic. The Notice went out to all Massachusetts cities and towns.

Under the Settlements, the State and its municipalities stand to receive [up to \\$537 million](/doc/maximum-potential-abatement-payments-into-massachusetts) (</doc/maximum-potential-abatement-payments-into-massachusetts>) ("**Abatement Funds**") to abate the opioid epidemic over the next 18 years, starting in early to mid-2022. The more municipalities that join, the more the [Distributors](https://nationalopioidsettlement.com/wp-content/uploads/2021/08/Incentives-Distributors.pdf) (<https://nationalopioidsettlement.com/wp-content/uploads/2021/08/Incentives-Distributors.pdf>) and [J&J](https://nationalopioidsettlement.com/wp-content/uploads/2021/08/Incentives-jandj.pdf) (<https://nationalopioidsettlement.com/wp-content/uploads/2021/08/Incentives-jandj.pdf>) will pay under the Settlements.

## (2) Has the State joined the Settlements?

Yes. Massachusetts Attorney General Maura Healey, together with the majority of state Attorneys General across the country have signed on to the Settlements. Those AGs and [lawyers representing thousands of municipalities](/doc/jan-3-2018-order-appointing-plaintiffs-executive-committee-in-national-oid-litigation) (</doc/jan-3-2018-order-appointing-plaintiffs-executive-committee-in-national-oid-litigation>) in the national opioid litigation [strongly encourage](/doc/july-21-2021-plaintiffs-executive-committee-press-release-re-national-oid-settlement) (</doc/july-21-2021-plaintiffs-executive-committee-press-release-re-national-oid-settlement>) municipalities to join.

Municipalities that join will be helping to bring additional abatement resources to communities and families throughout the state for substance use prevention, harm reduction, treatment, and recovery.

## (3) If my municipality joins, will it receive direct payments?

Yes. Massachusetts municipalities that join the Settlements will receive direct annual payments to expend on municipal abatement strategies developed with input from public health experts, municipal leaders, and families affected by the crisis.

## (4) If my municipality joins, how much of the Abatement Funds will it receive?

Under the default terms of the national Settlements, Massachusetts municipalities that join the Settlements would directly receive 15% of the total Abatement Funds, [divided among the municipalities in the percentages reflected in the Settlements](/doc/allocation-percentages-for-municipal-abatement-funds) (</doc/allocation-percentages-for-municipal-abatement-funds>). We anticipate Massachusetts municipalities will receive considerably more than the 15% default. We are still working through the specifics and plan to update this FAQ.

## (5) How were those percentages set?

Lawyers and experts in the national opioid litigation developed the allocation model based on nationally available federal data on opioid use disorder, overdose deaths and 2006-2016 opioid shipments into

Massachusetts, by region and community.

## **(6) How can my municipality join the Settlements?**

Municipalities can join the Settlements by sending their completed [Subdivision Settlement Participation Form \(/lists/subdivision-settlement-participation-forms\)](#) (with an original signature) to:

Commonwealth of Massachusetts

Office of the Attorney General

Attn: Opioid Settlement Team

One Ashburton Place

Boston, MA 02108

Alternatively, municipalities may register on the national settlement website and submit their Subdivision Settlement Participation Forms electronically via DocuSign, once the DocuSign system is operational.

## **(7) Is there a deadline for returning the Subdivision Settlement Participation Forms?**

Municipalities should return their Subdivision Settlement Participation Forms by January 2, 2022.

Municipalities that anticipate joining but will not be able to submit a Subdivision Settlement Participation Form by January 2, 2022, should notify the AG's office by sending an email to [MAOpioidSettlements@mass.gov](mailto:MAOpioidSettlements@mass.gov) (<mailto:MAOpioidSettlements@mass.gov>) as soon as possible.

## **(8) Where will the statewide Abatement Funds go?**

Abatement Funds that are not distributed directly to municipalities will go to the recently-created [statewide Opioid Recovery and Remediation Fund \(/service-details/opioid-recovery-and-remediation-fund-advisory-council-statute\)](#) to fund additional prevention, harm reduction, treatment, and recovery programs throughout Massachusetts. The Attorney General has already directed more than \$11 million to the Fund from other state opioid settlements.

## **(9) Do municipalities have a role in the statewide Opioid Recovery and Remediation Fund?**

Yes. The Fund is overseen by the state's Executive Office of Health and Human Services together with a [Council comprised of 10 municipal appointees appointed by the Massachusetts Municipal Association](#)

[and 10 state appointees \(/service-details/opioid-recovery-and-remediation-fund-advisory-council-members\)](/service-details/opioid-recovery-and-remediation-fund-advisory-council-members). The appointees are qualified by experience and expertise regarding opioid use disorder.

In its first year, the Council met four times and focused on reviewing the scope of the opioid crisis in Massachusetts, the existing landscape of substance use prevention and treatment programming in Massachusetts, and opportunities to address racial and geographic inequities in substance use prevention and treatment. The Council dedicated significant time to developing a set of principles for future expenditures from the Fund.

On September 30, 2021, the Council voted unanimously to approve a [proposal \(/doc/orrf-advisory-council-meeting-presentation-93021-0/download\)](/doc/orrf-advisory-council-meeting-presentation-93021-0/download), based on suggestions and feedback provided by the Council, to spend \$10 million from the Fund to expand harm reduction services, increase access to methadone, expand supportive housing, and fund outreach teams to provide treatment, rehabilitation, and supportive services in home and community settings. The Council filed its [first Annual Report \(/doc/orrf-advisory-council-annual-report-2020-0/download\)](/doc/orrf-advisory-council-annual-report-2020-0/download) on October 1, 2021.

## **(10) What about attorney's fees?**

Some municipalities in Massachusetts and other States retained attorneys on a contingency fee basis to file opioid litigation. The national Settlements establish a \$1.6 billion Attorney Fee Fund and \$200 million Cost Fund for attorneys representing municipalities that join the Settlements. [The Settlements require attorneys who recover from those funds to waive enforcement of their contingency fee entitlements \(/lists/relevant-excerpt-from-ex-r-of-the-settlements\)](/lists/relevant-excerpt-from-ex-r-of-the-settlements) as to all of their clients and notify their clients accordingly.

The state's investigation and litigation against the opioid industry is handled by government lawyers in AG Healey's office. No money from these Settlements will go to pay any state lawyers.

## **(11) Where can I get more information about the Settlements?**

Municipalities that retained attorneys to file opioid litigation should consult their attorneys.

To speak with someone on the Attorney General's opioids team, email [MAOpioidSettlements@mass.gov \(mailto:MAOpioidSettlements@mass.gov\)](mailto:MAOpioidSettlements@mass.gov).

Additional settlement-related information is available at [https://nationalopioidsettlement.com/ \(https://nationalopioidsettlement.com/\)](https://nationalopioidsettlement.com/).

Check back for updates to this FAQ.

# **ADMINISTRATION, BUDGET AND POLICY**

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#1

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**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 Gym, 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. Public Works**

Amount:	\$200,000.00
Funds to be expended by:	Board of Public Works
Purpose:	Water Meter Replacements
Funding Source:	Water Retained Earnings

**c. School Committee**

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

***The Finance Committee 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.*

**ARTICLE 2**  
**Amend Fiscal Year 2021 Operating Budget**  
**Finance Committee**  
**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 cable at X Lunenburg Road

*The Select Board & 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**  
**Select Board**

To see if the Town will vote to discontinue and abandon a portion of Old Lunenburg Road identified as

*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 4**  
**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 5**  
**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 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. 2/3<sup>rd</sup> vote is required for passage

**ARTICLE 9  
Select Board**

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

**ARTICLE 10  
Planning Board**

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 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.*

*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

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#3

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#4

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#5

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## Kathi Rocco

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**From:** Sandra Charton  
**Sent:** Tuesday, November 30, 2021 1:54 PM  
**To:** Jason A. Allison; JAY MOODY; Alexandra Turner  
**Cc:** Orlando Pacheco; Kathi Rocco  
**Subject:** Request for Agenda Item for December 6th Selectboard Meeting - Process for Appointing Conservation Agent - Not Meant for Deliberation or Discussion  
**Attachments:** Bylaw Provision re ConCom.pdf; STATUTORY PROVISIONS.docx

Dear Selectboard members and others –

As you know, Conservation Agent David Koonce will be leaving the Town December 11<sup>th</sup>. I know that the Conservation Commission (ConCom) is eager to begin recruiting for his replacement, and I am requesting direction from the Selectboard re: the steps in the appointment process. I am attaching both the language from the applicable Town bylaw and an excerpt from MGL Chapter 40, Section 8C, which is mentioned in the bylaw.

The statutory provision references the appointment of employees by the ConCom. I realize that the Selectboard has appointed search committees, followed by interviews of and deliberations about the finalists in open session. Given the “subject matter” expertise of ConCom members and the statutory authority given to the Commission, I do not see the necessity of forming a separate search committee to fill this position. In addition, I would recommend that the ConCom, consistent with the law and following “best practices” in terms of recruitment and interviewing, make the decision without requiring finalists to be re-interviewed by the Selectboard. Once the ConCom makes its decision, it would introduce the candidate to the Selectboard at an open meeting for review and ratification. (As I’ve pointed out in previous communications to the Board, I think the process for filling this type of job is separate and distinct from the process for selecting town officers (such as the Clerk, etc.) who are explicitly appointed by the Selectboard.

Notwithstanding the above, I am most interested in the Board, via motion, providing direction to both the ConCom and me so that we can move forward as soon as possible.

Many thanks.

Sandi Charton  
Interim Director of Human Resources  
Town of Lancaster  
701 Main Street  
Lancaster, MA 01523  
(978) 365-3326 x1706  
[scharton@lancasterma.net](mailto:scharton@lancasterma.net)

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MGL Chapter 40, 8C –

**The commission may appoint a director**, clerks, consultants and other employees, and may contract for materials and services within available funds insofar as the same are not supplied by other departments.





**§ 17-8. Membership.**

The Select Board shall appoint a Conservation Commission comprised of seven members, pursuant to the provisions of MGL c. 40, § 8C.



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**§ 17-11. Powers and duties.**

The Recreation Committee shall have the powers and duties vested in recreation commissions pursuant to MGL c. 45, § 14. The Recreation Committee shall also be responsible for administering playground recreation in the Town. This shall include, but not be limited to:

- A. Employing a part-time Recreation Director to direct playground programs and activities; **[Amended 5-4-2015 ATM, Art. 14]**
- B. Employing qualified lifeguards at Spectacle Pond Bathing Beach during the summer season;
- C. Purchasing recreational supplies and equipment;
- D. Overseeing the development and administering the recreational activities in the Town;
- E. Administering the expenditure of funds appropriated by Town Meeting for recreational purposes; and
- F. Any other tasks delegated by the Town or Select Board from time to time.

For the purposes aforesaid, **any city or town may appropriate money, and may employ teachers, supervisors and other officers, and may fix their compensation.** Except in Boston and except as to the making of appropriations, **the powers conferred by this section shall be exercised** by the board of park commissioners, or by the school committee, or by the planning board, **or by a playground or recreation commission appointed by the mayor in a city or by the selectmen or town moderator in a town, or elected by the voters of the town at a town meeting;** or may be distributed among the board of park commissioners, the school committee, the planning board and such playground or recreation commission, or among any two or more of them; or they may be exercised by a committee consisting of one member each designated by all or any one of said boards or commissions, together with two or more members at large appointed by the mayor or selectmen or town moderator, or elected by the voters, accordingly as the city council or the town may decide. Any municipal officer or board authorized to exercise any of the powers conferred by this section may, within or without the city or town limits, conduct its activities on property under its control, on other public property under the control of other public officers or boards, with the consent of such officers or boards, or on private property, with the consent of the owners. Two or more towns may severally vote to establish co-operative arrangements between those towns for the provision and operation of recreational facilities and programs of mutual benefit to their citizens. The management and control of such facilities and programs and the apportionment of the expenses for their maintenance and support shall be provided for by the authorized recreation agencies of the participating towns. The provisions of section fifteen or sixteen shall not be construed to apply to any city or town because of any action taken under this section.

**Part I** ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 45** PUBLIC PARKS, PLAYGROUNDS AND THE PUBLIC DOMAIN**Section 14** PLAYGROUNDS; ACQUISITION; USE; MANAGEMENT

Section 14. Any city or town may acquire land and buildings within its limits by gift or purchase, or by eminent domain under chapter seventy-nine, or may lease the same, or may use suitable land or buildings already owned by it, for the purposes of a public playground or recreation centre, and may conduct and promote recreation, play, sport and physical education, for which admission may be charged, on such land and in such buildings, and may construct buildings on land owned or leased by it and may provide equipment for said purposes. Land and buildings so acquired, leased or constructed may be used also for town meetings, and, with the consent of, and subject to the conditions and terms prescribed by, the officer or board in control of the land or building, may be used by the municipality, or by any department thereof, or by any person, society or other organization for such other public, recreational, social or educational purposes as the said officer or board may deem proper. The foregoing provisions shall apply to land and buildings acquired for playground purposes, or for park and playground purposes, but shall not apply to land and buildings acquired solely for park purposes. For the



purposes aforesaid, any city or town may appropriate money, and may employ teachers, supervisors and other officers, and may fix their compensation. Except in Boston and except as to the making of appropriations, the powers conferred by this section shall be exercised by the board of park commissioners, or by the school committee, or by the planning board, or by a playground or recreation commission appointed by the mayor in a city or by the selectmen or town moderator in a town, or elected by the voters of the town at a town meeting; or may be distributed among the board of park commissioners, the school committee, the planning board and such playground or recreation commission, or among any two or more of them; or they may be exercised by a committee consisting of one member each designated by all or any one of said boards or commissions, together with two or more members at large appointed by the mayor or selectmen or town moderator, or elected by the voters, accordingly as the city council or the town may decide. Any municipal officer or board authorized to exercise any of the powers conferred by this section may, within or without the city or town limits, conduct its activities on property under its control, on other public property under the control of other public officers or boards, with the consent of such officers or boards, or on private property, with the consent of the owners. Two or more towns may severally vote to establish co-operative arrangements between those towns for the provision and operation of recreational facilities and programs of mutual benefit to their citizens. The management and control of such facilities and programs and the apportionment of the expenses for their maintenance and support shall be provided for by the authorized

recreation agencies of the participating towns. The provisions of section fifteen or sixteen shall not be construed to apply to any city or town because of any action taken under this section.



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The objective of a year-end, external audit is obtaining an independent assurance as to whether a community's year-end financial statements are presented in accordance with provisions established by the [Governmental Accounting Standards Board](#). By integrating a review of the internal controls associated with financial reporting, the audit also helps to ensure that financial checks and balances are in place to protect public assets. Consequently, regular external audits can provide a powerful tool by which a community can build taxpayer confidence in government operations.

The Technical Assistance Bureau (TAB) encourages communities to have independent audits performed by certified public accountants every year. Cities and towns that receive at least \$750,000 annually in federal funds (even indirectly through a state agency) are required to complete annual audits that comply with the federal Single Audit Act of 1984.

Financial statement audits provide information that is especially valuable when a credit rating agency reviews and reports on a municipality's fiscal condition as it prepares to enter the bond market. A city's or town's inability to produce accurate financial reports could negatively impact a rating agency's opinion on its financial outlook and therefore affect its bond rating. A credit rate reduction could result in hundreds of thousands, and possibly millions, of dollars in additional interest payments for taxpayers over the life of a borrowing, depending on the size and structure of the debt. As important, a rate increase can create savings. The independent audit can also be a valuable management tool for assessing the fiscal performance of a community.

Although communities that are not subject to the Single Audit Act or that do very little borrowing are free to operate without regular audits of their financial statements, it is not a prudent course. Funding audits at least every two or three years is still strongly recommended. If a community is experiencing financial problems, the underlying causes will not be revealed by infrequent audits. As a result, important decisions could be based on an inaccurate understanding of city or town finances. Checks and balances could be weakened and public assets left at risk.

Often the most important steps a municipality can take occur long before the audit is conducted. An audit's quality is directly related to the auditor's knowledge, experience, and professionalism. Therefore, when selecting an outside auditor or audit firm, TAB recommends the appointing authority be independent of those who will be the subjects of the audit. Many municipalities create audit committees to fulfill this and other functions.

In general, members of the financial offices and a manager/administrator should be excluded from the audit committee and the auditor hiring process to avoid the potential for, or appearance of, conflict, since reviews effectively report on their performance. On the other hand, members of the town finance committee or city council are potential candidates. Residents with appropriate work experience or professional backgrounds can also make valuable contributions to an audit committee.

As part of the process to procure services, an audit committee should determine in advance the audit's requirements and objectives and select the individual auditor or audit firm. State law also exempts contracting for audit services from the state procurement laws ([M.G.L. c. 30B](#)). The committee should attend an exit interview at the audit's completion and monitor the progress of municipal action to correct any deficiencies cited in the audit report.

It happens that municipalities will rely on one auditor or audit firm for multiple years. In fact, the Government Finance Officers Association (GFOA) recommends that communities engage the same auditor by entering into multiyear agreements, or a series of one-year contracts, for a term of at least five years. A multiyear agreement allows for greater continuity and enables a new auditor to spread initial start-up costs over multiple years, potentially reducing costs in the initial years. However, after this term, the GFOA recommends a full, competitive selection process and a rotation of auditors after each multiyear agreement, provided there is adequate competition among qualified auditors. Contracting with a new audit firm not only brings a fresh perspective, but it also reflects good practice. In general, communities are encouraged to re-advertise for auditing services every five to eight years. The GFOA acknowledges that there may be circumstances or locations where there is a lack of competition among fully qualified auditors. In such cases, participation of the current auditors is acceptable, assuming their past performance has been satisfactory and conformed to industry standards.

State law requires communities to submit completed audits to the Division of Local Services, Director of Accounts ([M.G.L. c. 44, §42](#)). It should also be noted that an audit report is a public record.

An audit generally has three components: an opinion, the financial statements, and a separately provided management letter. The auditor's role is to review and comment on the accuracy and reliability of a municipality's year-end financial statements, and under professional codes of conduct, auditors are not permitted to prepare the financial statements. The auditor should review the operating procedures, confirm whether financial controls are in place, and comment on management practices relating to checks and balances. If deficiencies are discovered in procedures or practices, the auditor will cite them as cited as "reportable conditions." A more significant problem or deficiency will be reported as a "material weakness." Technically, a material weakness is defined as a reportable

condition of a magnitude that could potentially result in material misstatements of the municipality's financial condition.

In the opinion, the auditor explains the tests or measures that were applied and what was found. An unqualified or "clean" opinion reflects the auditor's belief that the financial statements are fairly presented and comply with GAAP standards. The auditor issues a qualified opinion when he or she has reservations. Most damaging is an adverse opinion, which is the auditor's statement that the financial statements do not comply with GAAP or are otherwise inaccurate or unreliable.

In the management letter, the auditor comments on any observed or detected weaknesses. The pertinent members of the city's or town's financial management team should provide written responses to every comment. Here, financial officials can clarify issues but should also outline a corrective action plan for each citation. The community should resolve all identified problems as soon as possible.

Ultimately, the effective use of audit report recommendations can assist a community in improving its financial controls and practices. The results will include the protection of the community's assets, potential upgrades in its bond rating, and increased public confidence in the government.





















