



LANCASTER SELECT BOARD
Regular Meeting Agenda via ZOOM™
Monday, March 7, 2022
6:00 P.M. – 9:00 P.M.

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

I. CALL TO ORDER

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

Join Zoom Meeting

<https://us02web.zoom.us/j/89239549968>

Meeting ID: 892 3954 9968

One tap mobile

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Meeting ID: 892 3954 9968

Find your local number: <https://us02web.zoom.us/j/89239549968>

II. APPROVAL OF MEETING MINUTES

Review and take action on the following

- Regular Meeting Minutes of January 19, 2022 & February 28, 2022

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE

IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS -

Update from the Chair of the Memorandum of Understanding Ad Hoc Committee- Capital Group

V. PUBLIC COMMENT PERIOD

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

VI. TOWN ADMINISTRATOR REPORT -

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

- Inappropriate Use of Town Address



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- Town Administrator interview schedule
- Special Town Meeting March 21, 2022, at 7pm
- Lead in water services
- Budget, Capital & FY2023 Plan
- Code of Conduct suggestion

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

1. Recall Petition – Notice of Board of Selectmen Receipt of Certificate of Sufficiency Pursuant to Chapter 137 of the acts of 2014
2. PJ Keating Earth Product Renewal License Application (Allison) & include peer review of Engineer (Turner)
3. American Rescue Plan Act (ARPA)
4. Open Annual Town Meeting Warrant on March 8, 2022, and close Warrant on March 30, 2022.
5. Request the Department of Labor Standards (DLS) from the Department of Revenue (DOR) perform a Financial Management Study.
6. North Main Street (Route 70/117) Road Improvement Project – discussion and vote to acquire property rights by exercise of eminent domain. Plans are available for review in the Select Board's office.
7. Traffic Control Agreement for the Safety Improvement Project regarding Main Street (Route 70/117)
8. Discussion on Town Seals to be placed on all town-owned vehicles (Moody) *Tabled from 2/28/22*
9. Discussion on wireless security cameras at all entrances and doorways for the Prescott Building and Town Hall (Moody) *Tabled from 2/28/22*
10. Discussion on charging fees for closure of town roads due to movie productions or other non-town functions. (Moody) *Tabled from 2/28/22*
11. Update on Hawthorne Hills (Moody)
12. Appointments Discussion – review Bylaw (Turner)
13. Discussion Audit Committee (Turner)
14. Reorganization of Select Board (Turner)
15. Goals and Objectives meeting (Turner)
16. Accept donation to the Select Board from Sterling-Lancaster Community Television, Inc. (SLCT) in the amount of \$1,200. *Tabled from 2/28/22*
17. Discussion of Select Board meeting dates in March. Suggestion of March 21, 2022, and March 28, 2022.

VIII. APPOINTMENTS AND RESIGNATIONS -

Appointments:

Board of Appeals:

- Eric Jakubowicz as Alternate Member term to expire June 30, 2024 (2-year term)
- Dennis Hubbard as Alternate Member term to expire June 30, 2022



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IX. LICENSES AND PERMITS - NONE

X. OTHER/UNFINISHED BUSINESS

XI. NEW BUSINESS *

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

XII. COMMUNICATIONS

- Select Board Pre-Town Meeting will be held on Monday, March 21, 2022 at 6:00pm at the Mary Rowlandson Elementary School Auditorium.
- Special Town Meeting will be held on Monday, March 21, 2022 at 7PM at the Mary Rowlandson Elementary School Auditorium.
- Next Select Board Regular Meeting will be held on Monday, April 4, 2022 via ZOOM.

XIII. ADJOURNMENT

III. APPROVAL OF MEETING MINUTES



**LANCASTER SELECT BOARD
Regular Meeting Minutes
of January 19, 2022**

I. CALL TO ORDER

Chairman Jason Allison called the Regular Meeting of the Select Board to Order at 6:00 P.M. via ZOOM™, noting that the meeting was being recorded.

Join Zoom Meeting

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

Meeting ID: 848 4312 4092

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

II. APPROVAL OF MEETING MINUTES

Mr. Moody moved to approve the Select Board meeting minutes of June 7, 2021, December 20, 2021, and January 3, 2022. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. Approved, [3-0-0].*

Interim Town Administrator Jeff Nutting reported that all minutes will have been prepared for approval as of the Select Board's next regular meeting.

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

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

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

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

A copy of the application and attachments may be reviewed at the Select Board Office, Prescott Building – 2nd Floor, 701 Main Street, Lancaster, MA (978) 365-3326 ext. 1201, and online at: www.ci.lancaster.ma.us/affordable-housing-trust/pages/40r-smart-growth-overlay-district-route-70

Mr. Moody moved to open the Public Hearing, reading the above posting into the record. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. Public hearing opened, [3-0-0].*

Presentations on the Smart Growth Zoning District were given by Karen Chapman of MRPC (Montachusett Regional Planning Commission) and Victoria Petracca of LAHT (Lancaster Affordable Housing Trust). Following the presentation, Mr. Allison confirmed that the purpose and scope of the Public Hearing is that the Lancaster Affordable Housing Trust is seeking support from the Select Board to put forth this proposal to DHCD.

Comments from the Select Board following the presentation included:

Ms. Turner asked, "Okay, and so, given the what we can actually the people who are actually talking with what is this the realistic number of units?" Ms. Petracca responded that this number is likely about 150.

"Okay," said Ms. Turner, "now obviously this land is the most valuable as business or industrially developed land, because you can't put industrial development and other places, but you can put a 40R anywhere the Town deems appropriate." Ms. Petracca objected, saying that a 40R couldn't be put just anywhere because ADHD would be looking for specific attributes. Ms. Turner mentioned that there might be other appropriate sites for a 40R, such as the college or the DCAMM property. She suggested that this might be attractive to a developer.

Ms. Turner said, "So for them to want to set precise land that they could put someplace else it's less valuable and why would they do it, and I know that that is part of ... I gather what you're working on with Jason as far as a memorandum of agreement Memorandum of Understanding.....like you've struck one in this and where I look forward to seeing that that is so that agreement because it just to me otherwise, why would somebody use an overlay zoning, unless it wasn't too bad, I mean the Capital Group ... should be hearing our business to benefit themselves this, I have no problem with that; that's business. So this benefits them, but it also benefits the town, are you believe this is does not benefit them as much as straight development would. Some so there's a, there has to be some sort of agreement to make it work, I know that you've been working hard on that so some more meat on those bones, or just understanding how that is would help.

In response to questions, Ms. Petracca confirmed that because this is an affordable housing question, passing at Town Meeting would require a simple 51%.

Circling back, Ms. Turner offered additional points. She asked if the article can be edited at Town Meeting, for example, can additional parcels be added in? Ms. Petracca explained that no, a substantial change like this would not be allowed.

Also in response to a question from Ms. Turner, Ms. Petracca confirms that the housing is all out of the ACC.

Public comment and questions (*attached to these minutes*) included:

- Carol Jackson, 40 Farnsworth Way. As a resident, wanted to know why the district had to be so large?
- Cara Sanford, 350 Bull Hill Road. Opposes because of the connection to the commercial overlay district.
- Russ Williston, 4 Highfield Drive. Questions about traffic; what standards would apply to a traffic study?
- Martha Moore, 131 7 Bridge Road. Does the 40R development share access road with trucks to the warehouse, and does it share water treatment facilities?
- Steve Kerrigan, 267 Neck Road. Thanks the LAHT for their hard work, supports the proposal.
- Justin Smith, 4 Turner Lane. Objects to moving forward until questions about land swap are answered and resolved.
- Rob Zidek, 103 Kaleva. States that the primary problem with the proposal is environmental injustice and that it misleads reviewers.
- Russ Williston – would like to ask the Select Board to include traffic impact standards as in current bylaws. Thinks size of project is concerning.
- Mark Grasso, Chase Hill Road. Questions regarding the percentage of units that would be affordable.
- Greg Jackson, 40 Farnsworth Way. Is not sure how environmental regulations will be upheld; wants more information on additional open space; concerned about housing density and wastewater issues.
- Dick Trussell, 15 Burbank Lane. Disagrees with Mr. Zidek's statements on environmental injustice.
- Stephanie Stanton, 942 Main Street. In favor of 40R proposal; impressed with similar development in Sudbury; we need the revenue and the housing.
- Carol Jackson. Disagrees with use of 40S; too much risk. Thinks only two towns in Massachusetts, Brockton and Lawrence, have received 40S funding.
- Cara Sanford. Might like 40R if "delinked" from trucking center.
- Greg Jackson. Seems to be some opportunities for tax revenue; does proposed bylaw mandate mixed uses to make sure that there is some commercial development?

Ms. Turner summarized some of the discussion, stating that she was "Trying to make it as consistent with a character, rather than zoning because our zoning is a statement of our priorities and one of the things that this document does is gives us the ability to review design standards. That you don't have in 40B; there's a lot of real pluses to 40R over 40B, of course. The incentives are a one time, but it still a million dollars would be great for us." She went on to explain that she hoped that the other members of the Select Board would support this with an amendment

requiring a traffic study. She also discussed concerns that if the Capital Group does not move forward and development fell to a different developer, and we now have this overlay district, does that mean that "Joe Smith developer can come in and build 1,100 houses because of the zoning overlay?it's an overarching overlay and the underway actually should be thought of just neutral without what's been promised for example." Ms. Petracca concurred that the bylaw does stand alone, but that we're still going to be having these conversations about multifamily housing in the context of the new MBTA legislation.

Ms. Turner agrees, and would like to see open space offsets to high density housing, as well as some mixed use including retail.

Ms. Petracca will bring the request to include a traffic study requirement in the legislation back to the LAHT. Ms. Turner asked that the Select Board amend their vote tonight to include a traffic study.

Mr. Moody moved to close the Public Hearing. Mr. Allison seconded. Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].

Mr. Allison moved that at the request of the Lancaster Affordable Housing Trust, that the Lancaster Select Board, serving as Chief Executive Officer of Lancaster, submit the application for a Determination of Preliminary Eligibility for the North Lancaster Smart Growth Overlay District under Chapter 40R. Mr. Moody seconded the motion.

Ms. Turner wanted to amend the motion to add a traffic study consistent with current zoning bylaws be included in the conditions. Discussion followed. Mr. Moody seconded the motion. Ms. Petracca stated that within the 40R bylaw there could be additional language requiring traffic studies for future projects within the 40R district, and that she would be glad to work with Mr. Williston to get that language done.

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

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

IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE

V. PUBLIC COMMENTS - NONE

Written public comment received has been forwarded to the Town Administrator and will be attached to the minutes.

VI. TOWN ADMINISTRATOR REPORT

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

**** Town Counsel introduction taken here out of order; see minutes below ****

- **Sale of Atlantic Union College (AUC)**

Active purchase and sale agreement for the former music conservatory was signed last week but closing date has not been set.

- **Intersection construction of Route 117/70**

Abutters letters will be sent this week; the Select Board will need to take action next month and the State will start advertising for the project in March with a summer construction date.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. **Discussion and review Special Town Meeting Draft Warrant (Interim Town Administrator)**

Mr. Nutting has sent the Select Board a memo suggesting that they consider postponing the Special Town Meeting until March, both in terms of COVID issues and because there is documentation still outstanding for the warrant. He recommends removing zoning issues from the warrant and adding them to the Annual Town Meeting. This would reduce the crowd at a Special Town Meeting and allow the Select Board to be better prepared.

Mr. Allison moved to cancel the February 15, 2021 Special Town Meeting. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

It was discussed that at the next regular meeting the warrant could be re-opened and at that point the Board can determine what will be on the warrant for a March Special Town meeting.

2. **Discussion and review American Rescue Plan Act (ARPA) Funds request from Interim Town Administrator regarding Board of Health request.**

Mr. Nutting explained that the Town has \$2.3 million in American Rescue Plan Act (ARPA) funding. New regulations for this money have just been issued and all 437 pages are being reviewed, but in the meantime the Lancaster Board of Health is requesting up to \$10,000 for COVID testing. The Board recognized Jeff Paster from the Board of Health who explained the request. Ms. Turner supports the request but would like to see the Board of Health's plan.

Mr. Allison moved to authorize the Board of Health to use up to \$10,000 of ARPA funds for the purchase of COVID-19 test kits. Mr. Moody seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

3. **Appearance by new Town Counsel – Mivares and Harrington LLP (Allison)**

The Select Board welcomed Christopher Heep, Ivria Fried, and Alex Ruben from Miyares and Harrington, new Town Counsel.

4. Review of Interim Town Administrator priorities (Allison)

Mr. Nutting reported that he has been working on the budget, the capital plan, cleaning up some collective bargaining agreements to send out to the unions, the Hawthorne issue, and Keating, as well as items on this agenda. Mr. Allison noted that some priorities are to get the new Town Counsel up to speed on issues, to clean up the civil services issues for both the police chief and the police force, to assign an attorney to the MOU committee, and to, on a more long-term basis, work on a fiscal analysis, going out five and ten years. Ms. Turner agrees and would like to include best practices in the fiscal analysis. Mr. Moody has given Mr. Nutting a list, including what we can and cannot do with the ARPA money.

5. Review Town Administrator Search Agency Position Statement for approval & Compensation rate (Allison)

Mr. Allison recognized John Petrin from the search agency currently under contract to recruit and hire a new Town Administrator. Mr. Petrin explained that he has sent a statement to each Board member and has received some comments back and that the open issue is salary. It was noted that the position should include MCPPO certification (Massachusetts State Procurement).

Mr. Allison moved to approve the search agency position statement as written, including feedback provided by Select Board. Mr. Moody seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; the Alexandra W. Turner, Aye. [3-0-0].*

Mr. Allison moved to approve compensation for the new Town Administrator as \$160,000 plus or minus. He explained his rationale and invited the Board to discuss. Mr. Moody seconded.

Mr. Allison noted that this is about 15% higher than surrounding towns; most area towns are in the \$140K range. He believes that \$160K would bring top tier talent plus the ability to cover many of the Human Resources tasks currently managed by a contractor at \$75/hour.

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

Ms. Turner would like the educational minimum requirements to not say, "required." Mr. Petrin will take care of that.

6. Discuss Open Meeting Law Determination (Turner)

Mr. Nutting verified that the only open items on this topic are to make sure that the minutes have been completed and that members of the Select Board complete individual online Open Meeting Law training.

VIII. APPOINTMENTS AND RESIGNATIONS - NONE

Appointments

Affordable House Trust

Mr. Moody moved to appoint Trustee Frank Streeter to replace Chair Victoria Petracca as the Trust's representative to the North Lancaster Memorandum of Understanding Ad Hoc Committee. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

Mr. Moody moved to appoint Trustee Carolyn Read to replace Chair Victoria Petracca as the Trust's representative to the Memorial Re-use Committee. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

Recreation Committee

Mr. Moody moved to appoint Kimberly Shah, term to expire June 30, 2023. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

Zoning Board of Appeals

Dennis Hubbard, member term to expire. Mr. Allison reports that the Zoning Board of Appeals has asked the Board to table this item as they may interview another applicant.

Resignations

Recreation Committee

Mr. Moody moved to accept the resignation of Michelle Currier, member, effective immediately. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

IX. LICENSES AND PERMITS

Review and take action on the following 2022 Renewal License Applications:

United Ag and Turf NE, LLC – Class I License

Mr. Moody moved to approve a Class I License for United Ag and Turf NE, LLC. Ms. Turner seconded, contingent upon review by the Building Inspector. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

Sandee's Restaurant - Common Victualler

Mr. Allison moved to approve a Common Victualler License for Sandee's Restaurant. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

X. OTHER/UNFINISHED BUSINESS

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

XI. NEW BUSINESS

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

Ms. Turner would like to sit with Mr. Nutting to review the CARES money.

XII. COMMUNICATIONS

- The next meeting of the Select Board will be on February 7, 2022, via ZOOM, at 6PM.

XIII. ADJOURNMENT

Mr. Moody moved to adjourn the meeting at 9:20pm. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Jay M. Moody, Aye; Alexandra W. Turner, Aye. [3-0-0].*

Respectfully submitted

Kathleen Rocco
Executive Assistant

Jay M. Moody, Clerk
Approved and accepted:



**LANCASTER BOARD OF SELECTMEN
Special Meeting Minutes
Of Monday, February 28, 2022**

I. CALL TO ORDER

Chairman Jason A. Allison called the meeting to Order at 6:00 P.M. until 8:30 P.M. via ZOOM™, offering a reminder that the meeting is being recorded.

Join Zoom Meeting

<https://us02web.zoom.us/j/87476166154>

Meeting ID: 874 7616 6154

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

II. APPROVAL OF MEETING MINUTES

Mr. Moody moved to accept the minutes of January 19, 2022, and February 15, 2022. Ms. Turner seconded for discussion purposes. The minutes of January 19 had previously been tabled; Ms. Turner only received the revised minutes today so she would like to table them until the next meeting. Mr. Allison moved to amend the motion to accept the minutes of February 15, 2022. Mr. Moody seconded. *Vote taken, Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Ms. Turner moved to approve the Special Meeting minutes of April 26, 2021. Mr. Moody seconded. Ms. Turner noted that she would abstain, having not been on the Board at that time. *Vote taken, Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Abstain. [2-0-1]*

Because it was not time yet for the Public Hearing scheduled for 6:10pm, Chairman Allison asked Building Inspector Brian Gingras to update the Board on the status of United Ag. Mr. Gingras advised that they have hired an attorney, Tom Bovenzi of Leominster, as of this afternoon to work through the Zoning Board and Planning Board issues. Mr. Gingras has forwarded all appropriate documentation to Mr. Bovenzi. Mr. Nutting suggested putting this back on the agenda in a few weeks. Mr. Gingras stated that he has not heard from any of the abutters.

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

6:10 P.M. Public Hearing for Renewal of Earth Products Removal Application –

PJ Keating, Continued from January 3, 2022 and February 15, 2022.

Notice is hereby given that a Public Hearing will be continued on Monday, February 28, 2022 at 6:10 P.M. via ZOOM, to consider the application of P. J. Keating Company, 998 Reservoir Road, Lunenburg, MA, for renewal of a Special Permit To Remove Earth Products (overburden, rock, gravel, loam) from a parcel of land located south of the Lunenburg town line, west of Lunenburg Road, north of a N. E. Power Co. right-of-way and east of the Leominster city line, containing by survey 73.3 acres in Lancaster, further identified on the Lancaster Assessors' Maps as Map 1, Parcels 1 through 4 and Map 4, Parcels 1 through 6, and further delineated on Plan No. 18-D-3, sheets 1 to 4, dated January 19, 2005 and Plan No. 18-D-4, sheets 1 to 3, revised September 19, 2005, by S. J. Mullaney Engineering, Inc., 305 Whitney Street, Leominster, MA A copy of the Application and Engineering Plans may be viewed in the Select Board's Office, Prescott Building, 701 Main Street, Lancaster, MA between the hours of 9:00 a.m. and 4:00 p.m. Monday through Thursday. All persons interested in providing comment should attend and be heard.

Mr. Moody moved to continue the Public Hearing as per the notice above; continued from original date of January 3, 2022 and from February 15, 2022. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Mr. Allison asked Kayla Larson from Tighe & Bond to present an update. Ms. Larson said that we did receive some resident questions that were forwarded to herself and to Keating. They have put together a little info session with answers and some good visuals to share. Ms. Larsen noted that Tighe & Bond is hired by the Town of Lancaster to help review earth removal permits. She noted that the first question received was about the inner workings of the Keating site, the daily operations, and how the sites are connected. (Google maps of the site shown).

Doug Vigneau from PJ Keating reviewed the day-to-day operations. He showed on the map the location of the quarry exit on Fort Pond Road that goes into the "haul road" where the filled trucks come up and cross Fort Pond Road. They go down the haul road and then continue on the right hand side to the "recycle yard." Then they go to the true processing area, they cross Leominster-Shirley Road. Then they end and the trucks back into the primary crushing area. They dump their load and the process begins, with the rock crushed within the stone plant to various sizes. Immediately after the haul truck empties its load, it comes back down, crosses over, goes down the haul road, and repeats. Mr. Vigneau offered to show the process to interested parties at any time. Mr. Robinson added that the recycling and processing area and the asphalt plant are in Lunenburg.

Ms. Larson next addressed questions about the evolution of the PJ Keating permit over time, showing on screen the oldest permit found, 2005-07 and the newest, which expired in January 2022. She said the "meat" of the permit is pretty similar, but over time the reporting frequency and number of inspections of the site have been increased. She wanted to highlight condition #12, the one in relation to the flow meter on the stormwater sump pump in the quarry. Originally, they required a meter to be placed on the stormwater pump that pumps water out of the site, up to the wetland on Fort Pond Road. More recently the requirement was increased to require two flow meters. One stopped working, but there are now two again on the site that are up and running. Another condition that has come up in recent meetings is about how often groundwater level

measurements are being taken. In the original permit, we set up the stipulations for starting this process, and in 2005 there was a hydrologic study which helped choose the location of the wells there. Again, are four clusters of three wells each for a total of 12 wells on site.

Ms. Larson continued, explaining the original permit went through PJ Keatings' hiring of a consultant and the Town's third-party review of the study to then install the wells. All of that has now been taken out of the permit because it was just the one time to set up this program. So now the permit reads that the well shall being measured monthly and reported yearly by March 15. And then, since 2005 there have been additional conditions added to the permit (conditions 27, 28, and 29) being that the Select Board can dictate repair or additional installation of monitoring equipment, if required; that the permit holder shall prepare and submit to the Select Board the current status of the rock quarry and their expectations for removal over the next two years in every permit cycle. So that's something that's now required with every permit renewal, which we've seen for this one. Other conditions on the permit are the same as they were in 2005.

Next, Ms. Larson addressed a submitted question about what the site will become at the end of the excavation. (Final restoration plan map shown on screen.)

Mr. Vigneau explained, "So with all quarries they fill with water naturally and that's what would occur at this location as well. When we get to the final (circa 2042) the quarry will naturally fill in with water, it will be entirely fenced in, there'll be no trespassing signs, just as there are today. And it will be left in a secured state. We certainly do not want anyone going in there; it's just a dangerous area to be around So it'll be fenced in with no trespassing signs. That's basically what the quarry will be at the at the end of the day. As far as all our other facilities that are not located in Lancaster they'll all be removed from the site and different land uses could occur at those locations, but for the property in Lancaster this is essentially what the quarry would look like.

Ms. Larson brought forth the next question, about the storm water that's collected on site. Where does it come to and where does it go when it leaves the site? (Another visual was shown, provided by Keating)

Mr. Vigneau explained that the visual showed the quarry watering pond at the most southern portion. That's where the water is pumped from. It's pumped in a hard pipe all the way up until it gets to (indicated location.) From there it passes under Fort Pond Road and discharges into a couple of small detention basins. Then it traverses on into the pond that's located there and then it traverses a number of wetland areas. So, from the exit of the quarry, basically it travels about 2.9 miles until the confluence with Easter Brook. (Drainage area shown.) You can see that the watershed area is large, about 14.2 square miles, and from there it goes into Lake Shirley. The contribution into Lake Shirley is very, very minimal to the overall amount of water that enters. Obviously we only periodically discharge, which makes it even less so.

Ms. Larson presented the next question about the depth of the wells and the depth of the current excavation. She explained that there was some confusion at the last meeting, and that we're talking about depth in terms of distance from the current ground level to the deepest point versus elevation above sea level. The deepest point of the excavation – the active excavation outside of the quarry – is around 234 feet above mean sea level. The deepest deep bedrock is approximately 180 feet,

so the deepest well is already 50 feet deeper than the deepest part of the excavation. In the next round of excavation, PJ Keating intends to go deeper, and at that point we will install a new well deeper than the deepest part of the excavation per the suggestion of The Town Administrator to further protect the Town. We've recommended adding a new permit condition that will stipulate a certain offset distance (20') that the deepest well has to be below the deepest part of excavations, so that we know just to better define that buffer area.

The next question was about the lifetime of the wells and how often they need to be replaced. As talked about in the previous meeting, those 12 wells are still the original well clusters. Jeff Thelen from Tighe & Bond answered, saying that installed monitoring wells basically last indefinitely, unless they're vandalized or damaged some way at the surface. They are unlikely to be damaged below grade. They are in solid rock that's not moving around so they basically last for the life of the quarry excavation. If there's a sense that there's an issue with the well, they can always be videoed down the hole to see if there's a problem of cracked casing or maybe the well screen portion of the monitoring well has silted in. But again, that's not likely, particularly in this case, since they're not extracting water samples from these wells, they are just monitoring the fluctuations of the groundwater elevation.

The next question was how much volume of bedrock is being disturbed or removed by Keating every year. Mr. Vigneau responded that they have been averaging 365,000 cubic yards per year. This is the amount anticipated for 2022-23, although it is expected to be less, because there is downtime due to machinery, maintenance, weather, and so forth.

The next question involved the transducers that measure the groundwater levels in the wells. Ms. Larsen explained that historically, pressure transducers were placed in the wells. These are pieces of mechanical equipment that measure the depth of water above them, and then transmit this reading to a cloud-based data collection system. A number of these were initially installed, but many have since failed because they've run out of battery life. Since these failures have occurred the well water depth has been measured by hand monthly as required by the permit. A question has arisen as to whether the permit could stipulate a more continuous reading, rather than the monthly reading. PJ Keating has already taken action by obtaining new transmitters that they will be installing, so it's the Select Board's discretion as to whether or not they want to update permit condition #25 to say that data will be collected hourly. We could also add a sub-condition requiring the new transducers to be installed by a certain date. Ms. Larson suggested that April 15 was a realistic date for having the transducers installed.

The next question was in regard to blasting. Mr. Vigneau, with Carl Low from A-One Blast, explained that they have three locations that they set up for every shot, with an additional moveable location that is sometimes used as needed. They emphasized that for every blast, reports are submitted to the Fire Department.

The next question was about the yearly groundwater monitoring report, and what rain gauges are being used to determine that. Ms. Larson explained that it's a known ring gauge at the Fitchburg Airport used by the National Oceanic and Atmospheric Administration (NOAA). Ms. Larson explained again that the report is required March 15 of every year, but the permit cycles expire January 25 every year. As a result, the permit application always shows data that is almost a year

old. It is proposed to move the requirement for the groundwater report to February 15, and possibly to move the permitting date to March, giving the engineers enough time to get the report in and review it before the permitting cycle.

The next question asked if, in general, more comprehensive study of this site is needed. Ms. Larson stated that she may have spoken incorrectly at the previous meeting; the site operations are not unusually complex, but the permitting requirements are stringent, with stipulations on groundwater reporting and monitoring. She noted that there had been resident requests for additional studies, not only of groundwater, but also air and noise. Ms. Larsen said that the question raised concerns the effect of this site on the surrounding neighborhood water supply.

Mr. Vigneau, using a map produced by Massachusetts DEP showed the zone of influence by various wells (available on Lunenburg's Water District website). Some of the wells shown on this map are in Lunenburg and are approved by the DEP. Ms. Turner asked about a particular image that appeared to be in Lancaster, but Mr. Vigneau explained that it was in Lunenburg and part of the public water supply in Lunenburg. Another well shown was the "Rockport" well. In response to Ms. Turner's question it was explained that the dotted lines on this particular map are political boundaries of the town.

This was the end of pre-submitted questions. Ms. Larson emphasized that questions can be asked at any time, not just during permit renewal period. Mr. Allison opened questions to the Select Board members.

Ms. Turner, explaining that she is familiar with the site, asked if the entire perimeter is currently fenced, if the fence was intact, and how high the fence is.

Mr. Vigneau said, yes, that the perimeter is entirely fenced and has been for a long time. He believes the fence to be six feet high. Ms. Turner stated that she did not notice it, but perhaps it was set far back in some areas; Mr. Vigneau said yes, it runs through the woods. After input from one of his team members, Mr. Vigneau noted that there are some gaps in the fencing in the back near the rear of the quarry by the power lines. He will do a perimeter walk and will remedy any safety issues, adding fencing if needed. PJ Keating will report back to the Select Board on the status of this issue. Mr. Wright noted that the fence is not complete, there are some missing sections at the back near the power lines. Mr. Vigneau will do another perimeter walk to check for missing sections and that will be remedied. Mr. Robinson concurred. They will report back to the Select Board.

Ms. Turner stated that she was disappointed to learn that many of the transducers had been out for so long although she is optimistic about the current repairs. She would like a timeframe as to when they will be fixed and running. Mr. Wright reported that if the order is placed tomorrow the parts needed will arrive by the end of March, and will be installed as early as possible in April. Mr. Vigneau noted that although some of the transducers are still running correctly, they will all be replaced. Mr. Wright asked that as new conditions are written, that consideration is given to the amount of time needed to replace the transducers/probes; for example, it would be reasonable to state that if one of them fails, PJ Keating will replace it in a month or six weeks, but not in an hour.

Ms. Turner stated that if currently five of twelve are working, that's a pretty high failure rate, and the reason that we had monthly monitoring was because they had failed. She continued, "we can't speak for future boards, but I think I think the Town's more than reasonable on that."

Ms. Turner stated that she appreciated Ms. Larson's explanation on where water goes but wanted to expand on this topic. She stated that the pond has gotten very brackish or dirty or filtered and then downstream. She asked if there was any kind of filtering and monitoring along the water, for the effluent from the quarry. Mr. Vigneau responded that yes, they do. Before they discharge, or when they wish to discharge, they monitor TSS (total suspended solids). He explained that this is the most important parameter to test for in order to mitigate silt from leaving the property and causing problems. Responding to a comment by Ms. Turner that the quarry had been in operation since 1966, Mr. Robinson noted that he has found quarry records back to the 1920's, and it may have been in operation prior to then. Continuing, Mr. Vigneau explained that discharge is tested for TSS, oil and grease, total suspended solids, polycyclic aromatic hydrocarbons, and dissolved oxygen, many of which are new parameters (with the exception of TSS) required by their permit from the United States Environmental Protection Agency (EPA). These tests were most recently done in fourth quarter 2021.

Ms. Turner asked if they have basins or areas to treat the water before it comes out or are they just monitoring. Mr. Vigneau responded that they do not treat the water that comes out of the quarry with any sort of chemical, and that recent tests show "non-detect" of materials that would be a problem. Ms. Turner asked what about filters. Mr. Lassila explained that this is not a requirement; DEP requires filtering when water has come from an impervious surface, i.e., roadways. He noted that the intersection of Fort Pond Road and Leominster-Shirley road where there are over 8,000 vehicles daily, and which also drains into the same area, noting that the discharge from PJ Keating is not the only source of water to that area, primarily to the town of Lunenburg, not Lancaster.

Ms. Turner noted that part of the presentation showed the seismic monitors, three in Lunenburg and one in Lancaster over by Brian Road. She suggests that not now but going forward it might be good to look at how to position others, because this is one of the complaints heard from residents. Mr. Lassila replied that actually two monitors are in Lancaster (one at 2425 Leominster Road and one at the intersection of Kaleva and Brian Roads) and one is in Leominster (Pioneer Park). There is also a mobile one that can be moved on request.

Ms. Turner brought up air quality, noting that recently PJ Keating had been assessed fines for air quality at their site, and that this was not monitored in the permit. She states that residents are concerned, and suggested that while she is aware that Fitchburg is being used, perhaps there are closer weather stations that might be used.

Mr. Vigneau stated that with Fitchburg Airport two miles from the quarry site and supported by NOAA, there was not a better option for weather readings. They do have a meteorological station on site, but not certified by NOAA, just for their own purposes. He is unfamiliar with the details of the air quality fines because they would have been assessed prior to his arriving at the quarry in 2019; he believes that the EPA was unhappy with some record keeping issues that were then rectified. Ms. Turner volunteered to send him additional details and suggested that perhaps additional monitors could be installed to better monitor air quality.

Chairman Allison recognized Board member Moody, who asked what the bond can be used for.

Mr. Vigneau stated that the bond is \$222,000, a number that was reached at some point by some combination of Keatings, the Town, and insurance companies. It gives money to the town should something happen, we go bankrupt or something like that. Then that \$222,000 would be used to ensure that the fencing around the quarry was appropriate or to remedy anything that's going on in Lancaster site. Mr. Moody thinks that perhaps the amount may need to be revised since it was determined 17 years ago. He also asked what would happen if Keating were to go bankrupt prior to the closing project. Mr. Vigneau introduced the President of PJ Keating, Derrick Hill, who agreed that with real estate values today we should probably all look at values. He suggested that worries about PJ Keating, as a publicly traded company, going bankrupt, are de minimis, at best, but they are certainly open to sitting and looking at what an appropriate bond requirement is that makes the town and then the residents comfortable.

Mr. Moody said that he would like to have that done. He also said that he is uncomfortable that things are coming up, like the transponders, and Tighe & Bond is letting them happen and has not told the Town. He stated that that's their job, and he's not sure they're getting it done on time. Ms. Larson of Tighe & Bond responded that she understands his concern with equipment not working on site, but it should be remembered that the transducers were never a requirement of the permit. They were something that Keating did above and beyond. So, they were technically always still needing their permit with those manual well measurements collected by hand on a monthly basis, so they weren't out of permit compliance. A lot of sites are measured by hand; it was only something Keating chose to make it easier for them to take those measurements remotely rather than in person.

Mr. Allison asked, "I have a question about this monitoring. So there's the monitoring option and then there's the by-hand monthly monitoring. What is that data used for?"

Ms. Larson explained that they're measuring the level of groundwater in the well and comparing it over time. They're also looking at weather patterns and any movement within the groundwater table, so that over time they would be able to see if the groundwater table was getting lower and might be something due to the Keatings operation. Jeff Thelan of Tighe & Bond continued, explaining that they're looking for a negative influence on the groundwater elevation that could be due to the quarry. Monitoring monthly should be sufficient. He went on to explain that the transducers are a nicety and seem to have about a ten-year life span.

Mr. Allison asked, "So this data is really used to create some sort of history, to create a model for you to understand the water within the well so that you can take action if needed?"

Mr. Thelen said that's correct, and during annual reports they provide charts of groundwater elevation fluctuations. They also look at this with precipitation data superimposed so you can see the influence of the three monitoring wells in each cluster.

Mr. Allison said that from what he can understand, monthly monitoring would seem sufficient.

Mr. Thelen said that this depends on what you're looking for; there are some sites that Tighe & Bond work with that require frequent monitoring because we're taking a look at a wetland site with some very sensitive plants and animals species, so we're doing data Collection every 15 minutes using pressure transducers because what we're looking for is responses to stormwater inputs to this wetland in response to precipitation events and seeing how the water elevations fluctuate in this wetland area. He added that the data is probably better with the transducers because you have a "much less granular data record of groundwater fluctuations when you're doing the graphing."

Discussion continued between Mr. Allison and Mr. Thelan, looking at the pros and cons of collecting data with different frequencies. Mr. Thelan's recommendation is using the transducers to collect data on a more frequent basis and then rely on the data collection and hand monitoring on a monthly basis to confirm the transducers are adequately recording the elevation changes. Mr. Allison offered pros and cons – do we stipulate in the permit that Keating must use transducers and provide hourly readings, when in the past they've installed transducers as an act of good faith, without being required to do so?

Mr. Vigneau said that he thought that one of the conditions that Tighe & Bond put into the permit was that transducers would be used and will record on an hourly basis. He said that this doesn't make it more difficult for Keating, but it does provide the hydrologist with better data.

Mr. Nutting added, that he thinks it's already in the permit, and he thinks that you have to be reasonable and ask that if one fails that they report it to our consulting engineer and provide them 60 days to replace it. He added that he thinks it would be reasonable to raise the bond to a half million dollars.

Ms. Turner stated, "I wanted to try to help out with my knowledge and historical perspective of this permit having been there way back. Actually I can give you some of the old permits before you've got yours, but the point of the monitoring wells, and the hydrogeologic study that Tighe & Bond did years ago, was mostly to protect the wells, and the ponds, the hydrogeologic resources in that area. And so it's not merely a business convenience. It's to protect our people, our public, and our environmental health. The other thing is, Jason, these haven't been in there for a year and going bad, these have been in for well over a decade. I would venture a lot longer than that and they've been they have been bad for longer than that, so if this has been a long standing thing and further it's some further, it is a relatively inexpensive, this is a serious company with good resources in it, and I have no intent, no hope to try to stop them from doing business. But my job, our job, is to balance Lancaster's needs and I'm sure that Mr. Robinson, and Mr. Hill and others here will do their best to make sure that Keating works well in the best interest of the company, But this is the ramifications if we see water -- Jeff could speak to this, but if things are not done prudently and we don't have monitoring, and people have accused them, of dewatering wells and water bodies. The repercussions are severe, or could be, but that's why we're working hard to try to come up with mutually acceptable conditions."

Mr. Allison recognized Anne Ogilvie (she/her) of 4 Turner Lane.

Ms. Ogilvie said, "I had a question about how much rock is coming out and how that's determined.

So I know that he said it was 365,000 cubic yards this year. You're going to increase it in 2022, I guess 540,000. So I mean that's a pretty significant increase there. It seems like it's curious about why the increase and how that decision is made and, then, is that going to impact the number of blasts. That leads into my second question. I did note that Carl Low at the last meeting said there were 22 blasts at the Lancaster quarry site last year, and I wanted to know if there is blasting being done in Lunenburg, and how many of those blasts were there. So those are questions for Keating and Carl Low, and then Mr. Nutting, I was hoping, if you wouldn't mind explaining your new permit condition that you suggested stating that the deepest part of excavation can't be greater than 20 feet deeper than the deepest well. I just would love to understand any background, you can provide on those figures and maybe Tighe & Bond suggested that to begin with, but I think if that sounds great I'd like to understand more and just also wanted to emphasize my support for the continuously monitoring sensors, the change of the monitoring of permit dates that have been mentioned, and I'd like to make a request that residents be involved and have some input into a remediation plan, as well as representatives from the Town because I appreciate what you provided. I just wonder if that could be done a little bit differently, and perhaps provide some benefit instead of just being something that we have to fence people off from. Thank you very much."

Jeff Thelen of Tighe & Bond said that he thinks the recommendation is that the quarry go no deeper than to stay 20 feet above the deepest monitoring well zone, so we wanted to have 20 feet of monitor well below the deepest part of the quarry.

Mr. Robinson addressed the question regarding the amount of rock, explaining that they have to use sort of a best/worst case scenario in order to stay within requirements, so this is a safe number.

Mr. Robinson said that he did not have the Lunenburg blast data on hand but that he could get it and get back to the Town.

Mr. Nutting advised the Select Board that they need to review Tighe & Bond's recommendations, and if there are any other comments from the Board they need to put it in writing for the permit and put it on the next agenda so that the Board can read the permit prior to next week so that Keating will still have time to meet their opening schedule. Mr. Nutting suggested that this was the time, if there are amendments or changes, to get them on the record.

Ms. Turner said that she had some complicated language that she would like to suggest for consideration. The Board discussed whether or not to close the Public Hearing.

Mr. Vigneau suggested that it was only right to let PJ Keating hear about any new conditions that the Board wants to impose. He said that so far they would be amenable to any changes suggested, but that if the Public Hearing is closed and then onerous conditions are added before the vote, that would be a problem.

Mr. Allison agreed, stating that he would be in favor of a higher bond and is indifferent on the transducers and online monitoring versus manual monitoring. He likes the idea of 60 days to fix mechanical/electrical problems. He stated that there is no new information that leads him to believe that there is any problem.

Ms. Turner said, “ I won't lie that I am disappointed not just the transducers because that's one of the things. I've worked with Tighe & Bond for many years, and I was disappointed that when we began this hearing we were hearing things like, “everything's all set,there's no problems” and then probing questions by informed citizens revealed that there were actually things that we needed to pay attention to. We pay Tighe & Bond to be at, and it should be clear for everybody, that their payment for Tighe & Bond is paid for by the applicant. We have that bylaw, we do that traditionally with our permits, so this expense is not borne by the town, but the expense is meant to protect the public and environmental health of Lancaster. And there is big risk, not to be an alarmist, but if something goes wrong in a quarry it can go very wrong, Mr. Robinson has been very good and forthright and said and it's true. There's no other town I know, even towns such as Gloucester which had active quarries, don't allow quarrying now because of the risks. If you hit a fracture wrong, and PJ Keating has been very good about being careful of that, the results could be catastrophic. We have some of our most expensive homes up there, we're worried about tax base. Can you imagine what taxes would be or homes would be worth if they had little or inferior water? And people on Brian Road and Turner Road in that area have complained about that. I'm not blaming that on the quarry but, be clear about that, but I'm saying that's something that we need to safeguard and make sure, never mind our water bodies (illegible) So you mentioned Jason, you're not an expert in hydrogeology nor am I. I have learned a lot more about this for over 20 something years of looking at this in depth and I'm a self-avowed tree hugger, so I would... My suggestion, just as we have done with Town Counsel and we've talked about with other things, is maybe consider a fresh set of eyes. To look at this, and that we do allow PJ Keating to continue working, contrary to what Mr. Vigneau had said, I don't think this is we need to make these reasonable, because this is a business that drives the grist of a lot of little projects and other projects, but as far as Lancaster is concerned, this brings us no tax revenue. And in fact you could argue that the impact to our roads costs us more to host this than it doesn't. But permits, as we've talked to our Counsel in the past, permits are a right, they're not a privilege. But I think we all agree, from what we've talked about, that we've hosted this business I learned tonight, since 1923. And it's something that we, I hope, will continue to host, but I want to make sure that the safeguards....If you looked up PJ Keating, you understand that this business' revenues are well more than Lancaster. If we ever had to exercise, or fight on the bond, \$500,000 would not go -- it will go a lot further than \$222,000 -- but it wouldn't go far, and no they're not going to go bankrupt either, but I have seen many businesses -- I won't name names, but you know, a gas station and they'll spin off a gas station, for example, if there's environmental and just bankrupt that one, so we do have we do have to be extremely careful. So I really think that I wouldn't want to even develop the conditions here, I can suggest them, and we have some great people. I think Tighe & Bond's new conditions are much better, but I would suggest that that we have a fresh set of eyes look at that. For example, I'd like to see the elevations surveyed which could be really easy to do, so we can keep track and those things are very, very inexpensive to do now, we can do those with aerial drones. We talked about air quality, I suspect there will be some expense, but I would like to lock this permit down for a couple of years. I know, one of the suggestions was a short term permit just until we could get conditions all met and worked on, but for the interest of PJ Keatings' business stability and for the Towns' with measurable metrics -- not just the monitoring and, by the way, that transducers are easy, good to have, I'm sure you know and computer business many data points ... it's all automated, it's quite easy, and the reason they weren't included as much years ago is because the technology has caught up. So my suggestion would be not -- you probably don't want me talking about specific conditions at this point because none of us are have those expertise

-- and while I appreciate Tighe & Bonds, I think I would suggest that we approve a permit, and I can go, I have a motion but note with the conditions that we give, that we talk to Tighe & Bond and another firm, and then have some metrics, for example, 60 days, to come up with the conditions and plans. We post those, we send them for review to PJ Keating, making sure that the conditions are reasonable and amenable and as well, allow the public to comment on them. Then after a short period, a couple of weeks, we return those, our engineering firm will incorporate them, and then we adopt them. So a sample motion would be to talk about something like talk about recruiting that fresh set of eyes, looking at some engineering firms, choosing one, developing/doing a set a permits, subject to a 60 day plan, a couple week review, and then we vote at 90 days, and that would sustain us going forward. This permit has been around for a long time, with just minor tweaks and it's worked for the applicant, but there are certainly concerns, as we know, from our community.

Mr. Moody said that the other thing that we want to change is the date. Mr. Nutting stated that this is already in the Tighe & Bond recommendation. Mr. Moody said maybe go along with that and just get it to that point, and at that point make the decision for the two things and let them work.

Mr. Allison asked Mr. Moody, "Okay. Jay you're saying do the permit after we have the information. What information are you asking about?" Mr. Moody explained that dates should be adjusted so that going forward the Board will be reviewing the permit after they have received all the information.

Ms. Turner stated that she was confused by Mr. Moody's response, asking him if he intends to issue a two year permit and work with Tighe & Bond for two years.

Ms. Turner read her motion: "My motion, would be to approve the permit with the following conditions. The permit end date to be March 25, 2024. Subject to the conditions set forth after a peer review of the existing permanent with any new conditions incorporated as suggested by qualified peer review firm and approved by the Select Board. Said firm will develop the plan with cooperation and information from the applicant and town resources within 60 days of when we approve this motion. The proposed plan will be shown to the applicant and posted on the website. Input from all parties will be returned to the Select Board and incorporated as reasonable by the engineering firm and approved by the Select Board. Final changes shall be approved at a Select Board meeting approximately 90 days after this approval. Lancaster retains the right to revoke, rescind, or change conditions during the permit duration.

Mr. Allison stated, "So what I'm hearing you say is, just to summarize, you want to approve the permit as it, and give the Board basically 60 to 90 days to have a peer review done and come up with potentially a new set of stipulations in the permit."

Ms. Turner said, "Based on the scientists, yes, not based on us. We would have final say."

Mr. Allison asked who was going to pay for the peer review. Ms. Turner said that it would be just like Tighe & Bond, it would be at the applicant's expense. She explained that Mr. Nutting and the Board could look at firms including Tighe & Bond, and that this would not require an RFP like was developed for legal services. She would ask that whoever the engineering and environmental

company would be would obviously not be ethically conflicted and do other work in the industry.

Mr. Allison noted that we would have to get agreement from the applicant to pay for this third party review, and we would have to fit it in around a Special Town Meeting and a Town Meeting that's in flux.

Ms. Turner said yes, that the applicant understands that per our bylaw, that this is a requirement of our permitting, we do this routinely for permits by the Planning Board, Conservation, ZBA, and others. She stated that there are firms that have already researched and talk to, who are willing to do this and could do this, in actually a much tighter timeframe than this, but she wants to make sure that the applicant has enough time to respond and work.

Mr. Allison said that this sounds like we were asked to deliberate in open session, giving the applicant thoughts on where we are. He added that he hoped that at a minimum, Ms. Turner and Mr. Moody are motivated to allow the applicant to continue work to start the permit, however, Ms. Turner would like them to pay for an additional set of eyes to review the application.

Mr. Moody seconded Ms. Turner's motion.

Mr. Vigneau asked Chairman Allison to clarify where the applicant would be allowed to discuss the permit conditions, and noted that these conditions would apply to Lancaster only, not to the entire facility. Ms. Turner said that she understood that the purview of the Select Board was only Lancaster.

In response to procedural questions, Mr. Nutting stated that the whole thing needs to be voted on at the next meeting. He asked the applicant if he had an issue with paying for the peer review.

Mr. Vigneau said that they have no problem with the bylaw requiring that they pay for the peer review, and that they understood that it was reasonable to reimburse the Town for consultants necessary to make informed decisions, but he would like to know what the scope of the review would consist of that would be greater than what Tighe & Bond is already doing. He stated that it's all about water, and he thinks that they have proven beyond a reasonable doubt that they are not impacting folks' wells. He said that we could go back and forth forever, and you could search for someone who might have a conflicting opinion, but geologists and hydrogeologists from both Keating and Tighe & Bond have no evidence that wells are being impacted in any way. Mr. Robinson concurred. Mr. Vigneau said, "but if that's what it takes to make the Select Board feel more confident, then, I guess, we can do that, but again I think it's only fair that we know the scope of the work that the Town is asking them to do."

Ms. Turner replied, "Well, based on both Mr. Vigneau's and Mr. Robinson's response, if you're expecting the same results and there's nothing to worry about. We have, as best practice, been changing and examining our procurement, and our consultants and professionals. This has been, as you pointed out, a long relationship and, in fact, there was some reasons, I mean we've been with Tighe & Bond and, as I said, they're welcome to be invited to the table. I mean they may but we recently changed our Town Counsel for fresh eyes, and so this isn't a personal assault to you, to the applicant, to Tighe & Bond, but it is a best practice and it's suggested by the State and by

many others. So I don't think that you have anything to worry about. As far as the scope goes, I don't really think that you want three Selectmen who are at best novices. Because I'm good to err on the side of Conservative to protect the townspeople and the environment, so I may ask for things which I can, that are extremely restrictive. I think you would probably rather have a science and environmental firm, who has more education, tooling, and competency to help craft those for you. So you know don't ask me to write the conditions right now.

Mr. Vigneau replied that he understands her position, but if it can be worked out in relatively short order, and they were given the opportunity to review that scope of work, that would seem to be fair.

Ms. Turner noted that her motion included this and also granted the permit.

Mr. Allison asked the Board to entertain the motion.

Mr. Moody said that if we do that, would it be alright to have somebody from Keating at the table.

Ms. Turner re-stated her motion.

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

IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS

Joint Meeting with Public Works Board to review and select a Public Works Board Member to fill the vacant seat, term to expire May 9, 2022.

Chairman Allison opened a Joint Meeting with the Public Works Board with a role call. Jay M. Moody, Present; Alexandra W. Turner, Present; Jason A. Allison, Present; John J. King, Present; Douglas A. DeCesare, Present.

Mr. Allison explained that there is an open seat on the Board of Public Works and there is one applicant, Walter Sendrowski.

Mr. DeCesare nominated Walter Sendrowski to fill the open seat on the Board of Public Works with a term to expire May 9, 2022. Mr. Allison seconded the nomination.

Ms. Turner noted that the bylaws call for the candidate to be interviewed; others agreed that Mr. Sendrowski is well known by all parties present. No interview or discussion was held.

Mr. Allison called for the vote. Jay M. Moody, Aye; Alexandra W. Turner, Aye; Jason A. Allison, Aye; John J. King, Aye; Douglas A. DeCesare, Aye. [5-0-0]

Mr. Sendrowski was welcomed to the Board of Public Works.

Ms. Turner moved to adjourn the joint meeting of the Select Board and the Board of Public Works. Mr. Moody seconded. *Jay M. Moody, Aye; Alexandra W. Turner, Aye; Jason A. Allison, Aye; John J. King, Aye; Douglas A. DeCesare, Aye. [5-0-0]*

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| V. PUBLIC COMMENT PERIOD - NONE |
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6:00 P.M. *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.*
6:10 P.M.

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| VI. TOWN ADMINISTRATOR REPORT - NONE |
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| VII. ADMINISTRATION, BUDGET, AND POLICY |
|--|

1. Review Special Town Meeting Warrant (Town Administrator Nutting)

Mr. Nutting reported that there are seven more articles for the Special Town Meeting (STM). The first four relate to transferring money and balancing the budget. One is to authorize the payment of an additional \$1,000 to the Assessor upon certification, similar to practice in place for the Town Clerk and the Treasurer. Two articles have to do with small amounts of money for easements, a prior year bill. We removed the last article because we didn't have sufficient facts; Mr. Nutting is comfortable that a six-week delay until Annual Town meeting will not present a problem.

Mr. Allison moved to approve the Special Town Meeting warrant. Ms. Turner seconded.

Ms. Turner announced that new language had been received from DCAMM at the 11th hour. Mr. Nutting has forwarded to Counsel. Ms. Turner would like it on the warrant at least as a space holder because it may need quick approval to be part of this legislative session. She asked the Board if they wanted to save space for this. Mr. Nutting said that if Counsel would allow the wording to correct language if needed. Ms. Turner stated that this would allow the Town to begin negotiation. Mr. Nutting thinks there's some homework to do, and suggested that it may not be possible before 3:00pm tomorrow; if Counsel could craft some generic language that might work, but it's not right to vote on an open-ended opportunity.

Mr. Moody thinks the DCAMM property is too big an opportunity to miss. Ms. Turner moved to direct Mr. Nutting to work with Town Counsel to come up with a generic space holder language to be incorporated by close of business tomorrow or by three o'clock tomorrow. Mr. Moody seconded.

Mr. Allison asked why this could not wait until the Annual Town Meeting. Mr. Nutting explained that it might be delayed in the legislative schedule. Mr. Nutting stated that this in no way obligates the town or the taxpayers to take any action yay or nay on whether to go ahead with a deal that would be at a future meeting.

Mr. Allison called for the vote; *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner,*

Aye. [3-0-0]

2. **Discussion on Town Seals to be placed on all town-owned vehicles (Moody) - TABLED**
3. **Discussion on charging fees for closure of town roads due to movie productions or other non-town functions. (Moody) - TABLED**
4. **Discussion on wireless security cameras at all entrances and doorways for the Prescott Building and Town Hall (Moody) - TABLED**
5. **Accept donation to the Select Board from Sterling-Lancaster Community Television, Inc. (SLCT) in the amount of \$1,200. - TABLED**

VIII. APPOINTMENTS AND RESIGNATIONS

Appointments:

Board of Appeals: - TABLED

- Eric Jakubowicz as Alternate Member term to expire June 30, 2024 (2 year term)
- Dennis Hubbard as Alternate Member term to expire June 30, 2022

Constable:

Request from Ronald W. Knoll to serve as Constable for the Town of Lancaster.

Ms. Turner moved to appoint Ronald W. Knoll as Constable. Mr. Moody seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Recreation Committee:

- Victoria Fasel as member term to expire June 30, 2024

Mr. Allison moved to appoint Victoria Fasel as a member of the Recreation Committee, with a term to expire June 30, 2024. Ms. Turner seconded. Vote taken, *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

IX. LICENSES AND PERMITS - NONE

X. OTHER/UNFINISHED BUSINESS - NONE

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's next regular meeting will be held via Zoom on Monday, March 7, 2022, at 6:00pm

XIII. ADJOURNMENT

Mr. Allison confirmed with Mr. Nutting that nothing else on the agenda was time-sensitive and that, having reached the time posted for adjournment of this meeting, the meeting could be adjourned with outstanding items moved to next meeting's agenda.

Mr. Allison called for a motion to table all remaining items on the agenda until the next meeting. Ms. Turner presented the motion; Mr. Moody seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Mr. Allison called for a motion to adjourn the meeting. Ms. Turner presented the motion; Mr. Moody seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Respectfully submitted

Kathleen Rocco
Executive Assistant

Jay M. Moody, Clerk
Approved and accepted:

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

V. BOARDS, COMMITTEES & DEPARTMENT REPORTS

Town Administrator Report

Statement Regarding Recall Petition Communications:

The Town has been made aware that the organization Concerned Citizens of Lancaster has been emailing residents about a recall petition of Planning Board members and using the Town Hall address (701 Main Street) in its email footer. This organization has not received permission from the Town to use the Town Hall address in its correspondences, and the use of the Town Hall address in this manner is unacceptable. The Town has informed the organization that the use of the Town Hall address in its correspondences is unacceptable and the address must be removed.

To be clear: the Town has no relationship with this organization and does not have a vested interest in the outcome of this petition and/or recall election. The Town will follow all applicable laws pertaining to the review of the petition as well as the election process.



J. Raymond Miyares Thomas J. Harrington Christopher H. Heep Donna M. Brewer Jennie M. Merrill
Bryan Bertram Ivria Glass Fried Alexandra B. Rubin Ethan B. Dively Maurica D. Miller Rian R. Holmquest

Via Email:
Concerned Citizens of Lancaster
concernedcitizensoflancaster@gmail.com

CEASE AND DESIST

February 24, 2022

Re: Use of Town Hall Address in Email Footer

To Whom It May Concern:

This office serves as Town Counsel to the Town of Lancaster. The Town is aware that your organization has been using the Town Hall address (701 Main Street) in its email footer of some recent correspondences to residents of the Town (Attachment A). The Town has not granted permission to your organization to use the Town Hall address in your correspondences.

The use of the Town Hall address in this manner is unacceptable, as it gives the impression (either intentionally or unintentionally) to the recipient that the Town is affiliated or associated with your organization. The Town, in fact, has no relationship with your organization and does not have a vested interest in the outcome of this petition or recall election. The Town is committed to following all applicable laws pertaining to the review of the petition as well as the election process. The inappropriate use of the Town Hall address in your correspondences must stop in order to preserve the integrity of this process.

You are hereby **ordered to immediately cease and desist** using the address of Town Hall (701 Main Street) or any other property address owned by the Town in your correspondences to the extent that it represents that your organization is operating from Town property or is otherwise associated with the Town. Failure to comply with this order will result in the Town pursuing all legal remedies available to it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alexandra B. Rubin', written over a horizontal line.

Alexandra B. Rubin

Subject: Your continued Support is Needed!

Date: Friday, February 18, 2022 at 12:34:26 PM Eastern Standard Time

From: Concerned Citizens of Lancaster

To: [REDACTED]

Thank you to the concerned citizens of Lancaster who have signed the recall petition of Planning Board members, Carol Jackson and Russ Williston.

Volunteers will be at the Dunkin' Donuts on Route 70 and Michael's Bridge Diner from 9:00 AM to 12:00 PM to collect signatures and answer any questions Lancaster residents may have. Volunteers are also available to deliver petitions to your home so you can sign.

Thank you again for your continued support of this initiative to encourage business and commercial growth to help ease the tax burden that has been placed solely on Lancaster home and landowners.

When the recall is successful, a special town election will be held to fill the vacancies. Replacements have yet to be determined.

Thank You!

Our mailing address is:

concernedcitizensoflancaster@gmail.com

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).

This email was sent to [REDACTED]
[why did I get this?](#) [unsubscribe from this list](#) [update subscription preferences](#)
Citizens of Lancaster · 701 Main St · Lancaster, MA 01523-2334 · USA

February 23, 2022

To: Selectboard

From: Jeff Nutting, Interim Town Administrator

Subject: Update on FY 23 Budget and Capital Plan an ARPA

The Finance Committee is reviewing the budget requests and we continue to adjust the proposed FY 23 budget as more information arrives. There will be a need to use Free Cash to balance the budget, but there are sufficient funds to support the purposed budget. They have another meeting on March 15th to take a final look at the numbers and make any adjustments based on up-to-date information

We received several capital requests. I added all but one to the ARPA list. The only one that I believe should come from Free Cash is the library's request for \$75,000 to hire an architect to put forth and estimated cost to fix all the items the building is facing. This would then be available for the next annual town meeting to consider how to proceed. This needs to move forward to resolve long standing building issues. Finally, I am awaiting a request from the DPW for water line design. I am waiting on an estimate for an architect to perform a study to get an estimated cost to rehab the facility

The ARPA list is not final, but I wanted to give you a sense of what folks are requesting. We can have a full discussion at the next meeting of two so the Board can decide what they would like to put forth for the Annual Town Meeting.

February 23, 2022

To: Selectboard

From: Jeff Nutting, Interim Town Administrator

Subject: Code of Conduct

After reviewing the Code of Conduct I would like to suggest that the Selectboard rescind the next to last bullet point on page five relating to investigations.

While I applaud the Board on adoption of the Code, the idea that individuals can request an investigation because someone does not like what someone else said is a waste of time and tax dollars.

It is disappointing that public servants cannot play nice in the sandbox despite legitimate differences of opinion. However, in the political arena folks are allowed to disagree, say unpleasant things, make false statements, etc.

What would an investigation about he said/she said accomplish? You cannot remove an elected official except at the ballot box and you really cannot remove an appointed official without cause and after a public hearing.

If someone threatens, harasses, or libels someone there are other avenues that a person can take to address the issue outside an investigation by the Town.

The policy is a standard that all that participate in Lancaster's government should follow but the only way you can make them comply is at the ballot box or at reappointment time.

The citizens of Lancaster expect and deserve the highest standards of ethics, and behavior from its officials. It is time everyone adheres to those expectations.

I do not expect a vote this evening but hope the Board will consider this recommendation at a future meeting.



THE TOWN OF LANCASTER

CODE OF CONDUCT

I. PURPOSE

The Town recognizes that all employees and members of boards, committees and commissions elected and/or appointed by the Town should maintain courteous discourse with each other, with those who volunteer their time and services to the Town in other ways, and with members of the public by striving at every meeting, forum or other official interaction to treat every person fairly and with respect, regardless of any differences of opinion. The intent of this policy is to establish a standard of conduct for all employees and elected and appointed members of Town boards, committees and commissions in the Town.

II. APPLICABILITY

This policy shall apply to all employees and elected and appointed members of Town boards, committees and commissions acting on behalf of the Town and covers all their actions and communications, whether spoken or written, including but not limited to all electronic communications including social media, to the extent permitted by law.

III. CODE OF CONDUCT

All Town employees and elected and appointed members of Town boards, committees and commissions are expected to act honestly, truthfully, fairly, and in good faith regarding their responsibilities, the interests of the Town and the welfare of its residents.

All Town employees and elected and appointed members of Town boards, committees and commissions are expected to refrain from communicating or acting in a disrespectful, abusive and/or threatening manner towards members of the community, other Town employees, elected and appointed members of Town boards, committees and commissions and the Town Administrator.

Furthermore, all Town employees and elected and appointed members of Town boards, committees and commissions must assume the following responsibilities:

A. Conduct Generally and in Relation to the Community

- All elected and appointed members of Town boards, committees and commissions must be well informed concerning the local and state duties of a board/committee/commission member.

- No elected and appointed members of Town boards, committees and commissions should purport to represent the opinion of their board/committee/commission except when specifically authorized by a recorded vote to do so. All elected and appointed members of Town boards, committees and commissions should view their position as a means of unselfish public service personally, professionally or financially.
- All Town employees and elected and appointed members of Town boards, committees and commissions should recognize that the chief function of local government is to serve the best interests of all Town residents.
- All Town employees and elected and appointed members of Town boards, committees and commissions should demonstrate respect for the public that they serve.
- All Town employees and elected and appointed members of Town boards, committees and commissions should safeguard confidential information.
- All Town employees and elected and appointed members of Town boards, committees and commissions should conduct themselves so as to maintain public confidence in our local government.
- All Town employees and elected and appointed members of Town boards, committees and commissions should conduct official business in such a manner that they cannot be improperly influenced in the performance of their official duties.
- All Town employees and elected and appointed members of Town boards, committees and commissions should conduct the public's business in a manner that promotes open and transparent government, consistent with the provisions of the Open Meeting Law, Public Records Law and other state and federal laws and regulations.
- All Town employees and elected and appointed members of Town boards, committees and commissions should faithfully comply with all Town policies, including, without limitation, the following:
 - Anti-harassment and Anti-discrimination Policy
 - Anti-fraud Policy
 - The Open Meeting Law
 - Procurement Laws
 - The Ethics/Conflict of Interest Statute (G.L.c.268A)

B. Conduct in Relation to other elected and appointed officials

All elected and appointed members of Town boards, committees and commissions should:

- Treat all members of the board/committee/commission to which they belong with respect, notwithstanding differences of opinion. Keep in

mind that professional civility does not preclude honest differences of opinion, but requires respecting those differences.

- Participate and interact in official meetings with the dignity and restraint befitting those who hold a position of public trust. Recognize the responsibility to be prepared for and attend all meetings. Members should promptly notify the chair should they for any reason be unable or unwilling to continue to serve. Formal notice to resign from a board/committee/commission requires written notification to the Town Clerk.
- Recognize that actions taken at official legal meetings are binding and that an individual member cannot bind the board/committee/commission outside of such meetings.
- Refrain from making statements or promises as to how they will vote on issues that will come before the board/committee/commission until they have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Make decisions only after all facts regarding an issue have been presented and discussed.

C. Conduct in Relation to the Town Administrator

All elected and appointed members of Town boards, committees and commissions should:

- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside that chain of command. Respect the Town Administrator's authority to carry out his/her responsibilities and/or to develop solutions to problems and issues.
- Refrain from giving orders or directions to the Town Administrator for action as an individual board/committee/commission member.
- Refrain from providing information to the Town Administrator that they would not be willing to share with other board/committee/commission members.

D. Conduct in Relation to Employees

All elected and appointed members of Town boards, committees and commissions should:

- Treat all employees as professionals and respect the abilities, experience, and dignity of each individual.
- Refrain from giving instructions to or requesting assistance from Town staff. Instead, you should initially communicate through the Town Administrator.
- Communicate concerns about staff performance privately to the Town Administrator rather than engaging in public criticism of individual employees.

IV. DISTRIBUTION AND EDUCATION

- The Town Clerk shall provide a copy of this policy to all employees and elected and appointed members of Town boards, committees and commissions upon its issuance. The Clerk or designee will provide a copy to new employees when they commence employment with the Town and will provide a copy to elected and appointed members of Town boards, committees and commissions upon the subsequent appointment, re-appointment, election or re-election of any individual.
- Each individual shall sign a statement that they have read this policy and will comply with all requirements set forth in this policy. If any member declines to sign the form, that fact shall be noted by the Town Clerk on the form.

V. POLICY ADMINISTRATION

- In addition to any other remedies or enforcement options available under the law, each board/committee/commission may vote to censure any member. The appointing authority may decline to reappoint an individual who violates this Code of Conduct.
- If any elected or appointed member of a Town board, committee or commission is accused of violating the Town's Anti-Harassment and Anti-Discrimination Policy, the Town Administrator or designee shall refer the matter for review, and, if appropriate, investigation to the contact named in the Town's Anti-Harassment and Anti-Discrimination policy or a disinterested outside firm or individual qualified to investigate the alleged conduct. The firm or individual to whom the matter is referred shall promptly notify the accused member of the allegation(s) and shall investigate the matter in a fair and thorough manner and report back findings of fact and recommendations to the Town Administrator. The Town Administrator/ shall share the reported findings and recommendations with the member(s) who were investigated, the member's(member's) board/ committee/commission and the Selectboard. The board/committee/commission shall then take such action as is authorized by law and as it deems fit in response to the matter. The board/committee/commission's actions (or lack thereof) shall not prevent the Town from taking any other actions authorized by law.

- If any elected or appointed member of a Town board, committee or commission is accused of violating any other provision of this Code of Conduct, the board/committee/commission that the member represents or, if applicable, the appointing authority may take such action as is authorized by law and as it deems fit after investigating the allegation or it may vote upon request of the Town Administrator or on its own to refer the matter to a disinterested outside firm or individual qualified to investigate the alleged conduct. This firm or individual shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator. The Town Administrator shall share the reported findings and recommendations with the member(s) who were investigated, the board/committee/commission and the Selectboard. The board/committee/commission shall then take such action as is authorized by law and as it deems fit in response to the matter. These remedies shall be in addition to, and not in substitution for, any other remedies that may be available by law. The board/committee/commission's actions (or lack thereof) shall not prevent the Town from taking any other actions authorized by law.
- The release of any materials related to the investigations referenced above shall be governed by the Public Records Law, Open Meeting Law, and any other applicable law(s).



CODE OF CONDUCT POLICY OF THE TOWN OF LANCASTER

I acknowledge that I have received and have read the "CODE OF CONDUCT POLICY OF THE TOWN OF LANCASTER" and will comply with all requirements set forth in the policy.

Signature

Print Name

Name of Town Department Where Employed

or

Name of Board, Committee, Commission

Date: _____

NOTE: BE SURE TO KEEP THE POLICY AND RETURN THE RECEIPT.

SCHEDULED APPEARANCES & PUBLIC HEARINGS

ADMINISTRATION, BUDGET AND POLICY

#1

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Town of Lancaster

Office of the Town Clerk

695 Main Street, Suite 2
Lancaster, Massachusetts 01523
Tel (978) 365-3326 x1013 - Fax (978) 368-4011

Lisa J. Johnson
Town Clerk

Amie G. Martin
Assistant Town Clerk

March 2, 2022

Jason Allison, Chair
Jay Moody
Alexander Turner
Select Board for the Town of Lancaster

CERTIFICATE OF SUFFICIENCY


As you are aware, Chapter 137 of the Acts of 2014 provides for recall elections in the town of Lancaster. Consistent with the provisions of the Recall Act, signatures necessary to initiate the recall of Planning Board member Carol Jackson were filed with this office on January 13, 2022. After certifying the same, a recall petition was issued, a copy of which is attached.

This letter is to inform you that in accordance with Section 3 of the Recall Act, the petition seeking the recall of Ms. Jackson was returned timely to this office and has been certified by the Board of Registrars as having been signed by 570 voters of the Town of Lancaster.

| <u>Number of Registered Voters</u> | <u>10%</u> | <u>Number of Certified Signatures</u> |
|------------------------------------|------------|---------------------------------------|
| 5,417 | 542 | <u>570</u> |

As required by Section 4 of the Act, therefore, at least ten percent of the registered voters have signed the Recall Petition.

I hereby find and certify in accordance with Sections 3 and 4 of the Recall Act that the petition is sufficient as that term is utilized by the Recall Act.


Lisa J. Johnson, Town Clerk

March 2, 2022
Date

Cc: Elizabeth S. Cahill, Registrar
Mary B. Perreira, Registrar
Heather LeBlanc, Registrar
Kathleen Rocco, Executive Assistant to the Select Board



Town of Lancaster

Office of the Town Clerk

695 Main Street, Suite 2
Lancaster, Massachusetts 01523
Tel (978) 365-3326 x1013 - Fax (978) 368-4011

Lisa J. Johnson
Town Clerk

Amie G. Martin
Assistant Town Clerk

March 2, 2022

Jason Allison, Chair
Jay Moody
Alexander Turner
Select Board for the Town of Lancaster

CERTIFICATE OF SUFFICIENCY

As you are aware, Chapter 137 of the Acts of 2014 provides for recall elections in the town of Lancaster. Consistent with the provisions of the Recall Act, signatures necessary to initiate the recall of Planning Board member Russell Williston were filed with this office on January 13, 2022. After certifying the same, a recall petition was issued, a copy of which is attached.

This letter is to inform you that in accordance with Section 3 of the Recall Act, the petition seeking the recall of Mr. Williston was returned timely to this office and has been certified by the Board of Registrars as having been signed by 585 voters of the Town of Lancaster.

| <u>Number of Registered Voters</u> | <u>10%</u> | <u>Number of Certified Signatures</u> |
|------------------------------------|------------|---------------------------------------|
| 5,417 | 542 | <u>585</u> |

As required by Section 4 of the Act, therefore, at least ten percent of the registered voters have signed the Recall Petition.

I hereby find and certify in accordance with Sections 3 and 4 of the Recall Act that the petition is sufficient as that term is utilized by the Recall Act.

Lisa J. Johnson
Lisa J. Johnson, Town Clerk

March 2, 2022
Date

Cc: Elizabeth S. Cahill, Registrar
Mary B. Perreira, Registrar
Heather LeBlanc, Registrar
Kathleen Rocco, Executive Assistant to the Select Board

SENATE **No. 2040****The Commonwealth of Massachusetts**

PRESENTED BY:

Jennifer L. Flanagan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing for recall elections in the town of Lancaster.

PETITION OF:

NAME:

*Jennifer L. Flanagan**Harold P. Naughton, Jr.*

DISTRICT/ADDRESS:

*Worcester and Middlesex**12th Worcester*

SENATE No. 2040

By Ms. Flanagan, a petition (accompanied by bill, Senate, No. 2040) of Jennifer L. Flanagan and Harold P. Naughton, Jr. (by vote of the town) for legislation to provide for recall elections in the town of Lancaster. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act providing for recall elections in the town of Lancaster.

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

1 SECTION 1. Any holder of an elective office in the town of Lancaster may be recalled
2 from office for any reason by the registered voters of the town as provided in this act.

3 SECTION 2. An initial recall affidavit signed by at least 50 registered voters of the town
4 containing their names and addresses may be filed with the town clerk. That initial recall
5 affidavit shall contain the name of the officer, the office sought to be recalled and a statement of
6 the grounds for recall. The town clerk shall immediately forward the recall affidavit to the board
7 of registrars for verification of signatures.

8 SECTION 3. Within 14 calendar days of receipt of the initial recall affidavit, the board of
9 registrars of voters shall (1) verify the signatures on the initial recall affidavit and if found to
10 contain a sufficient number of signatures, (2) the town clerk shall thereupon deliver the first 10
11 signers of the affidavit a formal numbered printed recall petition sheet with the town clerk's
12 official seal, and addressed to the board of selectmen demanding the recall. The town clerk shall
13 fill out the top portion of each recall petition sheet naming the elected official, the grounds for
14 recall stated in the petition, the names of the first 10 voters signing the affidavit, and shall
15 demand the election of a successor to the office. A copy of the recall petition shall be entered in a
16 record book to be kept in the office of the town clerk.

17 The town's registered voters making the initial affidavit shall then have 30 days from the
18 date of delivery of the recall petition sheets in which to file their signed recall petition sheets
19 with the town clerk.

20 To proceed with the recall election, the town clerk shall receive by said 30-day deadline,
21 the required number of signed recall petition sheets containing the signatures, names and street
22 addresses of at least ten percent (10%) of the registered voters of the town as of the date the
23 signed recall petition sheets are delivered to the town clerk.

24 Within 5 working days of receipt, the town clerk shall submit the recall petition sheets to
25 the board of registrars of voters and the board of registrars of voters shall forthwith certify
26 thereon the number of signatures which are names of registered voters of the town.

27 SECTION 4. If the total recall petition sheets shall be found and certified by the board of
28 registrars of voters to be sufficient, it shall be submitted with the certificate of the town clerk to
29 the board of selectmen without delay. The board of selectmen shall forthwith give written notice
30 of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign
31 within 5 calendar days of the date notice is given from the selectmen, then the board of
32 selectmen shall promptly order an election to be held on a date fixed by them not less than 64 nor
33 more than 90 days after the date the election is called after receipt of the certificate; but, if any
34 other town election is scheduled to occur within 90 days after the date of said certificate, the
35 board of selectmen may postpone the holding of the recall election to the date of such other
36 election and may include the question of recall on the ballot for such other election. If a vacancy
37 occurs in the office after a recall election has been ordered, the election shall nevertheless
38 proceed as provided in this act.

39 SECTION 5. An officer sought to be removed may be a candidate to succeed himself in
40 an election to be held to fill the vacancy. Unless the officer requests otherwise in writing, the
41 town clerk shall place his or her name on the ballot without nomination. The nomination of other
42 candidates, the publication of the warrant for the recall election and the conduct of the same,
43 shall all be in accordance with the law relating to elections, unless otherwise provided in this act.

44 SECTION 6. The incumbent shall continue to perform the duties of the office until the
45 recall election. If the incumbent is not recalled, he shall continue in office for the remainder of
46 the unexpired term, subject to recall as before, except as provided in this act. If not re-elected in
47 the recall election, he shall be considered removed from office immediately and the office
48 vacant.

49 SECTION 7. Ballots used in a recall election shall contain the following question: shall
50 (insert name and office) be recalled from office? Immediately at the right of the proposition,
51 there shall be a designated place for voters to vote for or against the proposition.

52 Following the proposition shall appear the word "Candidates" with directions to voters as
53 required by section 42 of chapter 54 of the General Laws. Beneath the word "Candidates"
54 appears the names of candidates nominated as hereinbefore provided.

55 If a majority of the votes cast upon the question of recall are in favor of recall, the officer
56 shall be recalled and the votes for the candidates shall be counted. In such an instance, the
57 candidate receiving the highest number of votes shall be declared elected for the open office. If
58 less than a majority of the votes cast are in favor of recall, the votes for candidates need not be
59 counted.

60 SECTION 8. An initial recall affidavit shall not be filed against an officer within 3
61 months after the officer takes office or within the last 3 months of the term; nor, in the case of an
62 officer subjected to a recall election and not recalled thereby, until at least 3 months have elapsed
63 after the election at which the recall was submitted to the voters of the town.

64 SECTION 9. A person who has been recalled from an office or who has resigned from
65 office while a recall petition was pending against him shall not be appointed to any town office
66 within 2 years after the recall or resignation.

#2



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

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

Name of Applicant/Grantee: P. J. Keating Company

Address of Applicant/Grantee: 998 Reservoir Rd., Lunenburg, MA 01462

Company Name: Same

Company Address: Same

Permit Issue Date: January 25, 2022

Permit Expiration Date: March 25, 2024

Conditions:

1. **Description of Area:** All earth removal and related site work shall be in accordance with the approved Earth Removal plans for P. J. Keating Company, dated January 19, 2005 and revised through January 22, 2010, as prepared by S. J. Mullaney Engineering, Inc., and the Short-Term Mine Plan, dated January 28, 2022 as modified by the terms and conditions of this Special Permit.
2. The shoreline of the end-use quarry pond and all disturbed non-bedrock surfaces shall be restored with a minimum depth of nine inches of loam which shall be capable of supporting grass growth unless the applicant can document a lesser amount pre-exists on site, in which case the applicant will be responsible for the lesser amount. These areas shall be restored upon completion of the earth removal authorized by this special permit. These areas shall be hydroseeded and the planted area shall be protected from erosion during the establishment period using sound conservation practices. Areas that wash out shall be repaired immediately. Trees or shrubs of prescribed species shall be planted to provide screening and reduce erosion during the establishment period.
3. No top or subsoil shall be removed from the site.
4. Provisions for dust control shall be in place prior to commencement of the earth removal operations. Abutting public right-of-ways and abutters shall be kept clear of construction debris and dust.
5. Dust Control measures shall be undertaken as specified in the approved plans.



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

6. Active work areas shall be in accordance with the approved plans.
7. All restoration work shall be completed within 365 days after expiration of a permit or upon cessation of operations within any phase.
8. A maximum non-bedrock slope of three foot horizontal to one foot vertical (3:1) is required; 4:1 within any buffer zone of a resource area as shown on the approved plans.
9. The hours and days for which trucks are allowed to remove earth materials from the site shall be limited to 7:00 am – 5:00 pm Monday through Friday and 8:00 am – Noon on Saturdays, except for Federal and State Holidays. Such removal is also allowed Noon – 5:30 pm on each Saturday for which the permit holder so notifies the Town Clerk by electronic mail before the close of business on the previous Wednesday, for Town Clerk posting on the Town web site. The hours of blasting shall be limited to 9:00 am – 2:00 pm. Alteration of this time schedule may be accomplished only by prior approval of the Board of Selectmen.
10. All entrances to the facility shall be gated and locked to prevent unauthorized entry during nonworking hours. Proper signage must also be posted within the site to advise drivers of site conditions. Truck entering signs shall also be erected along the abutting right-of-ways to warn motorists of truck traffic from the site. A 6 foot fence shall surround the property to be completed by August 20, 2022.
11. No quarry access from Lancaster public ways and no access across Lancaster public ways between parcels of the applicant/grantee's properties shall occur.
12. A metered pump shall be used to remove stormwater from the quarry drainage sump hole. Data collected monthly shall be provided to the Town on a quarterly basis, or more frequently as requested by the Board of Selectmen, to demonstrate that sustained continuous pumping over extended periods of varying weather conditions, a monitoring indicator of the proximity of the bedrock water table, is not occurring. A minimum of two flow meters shall be used to record flow measurements to ensure consistency of reported pumped stormwater flow. These flow meters shall be maintained in working order to collect the required monthly monitoring data. A minimum depth to groundwater separation of 6-feet shall be maintained at all times. Areas which fall within the Town's water resource overlay district shall maintain a minimum depth to groundwater separation of 10-feet.
13. Provide a minimum of three (3) permanent benchmarks with elevations for the operation.



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

14. The land shall be left so that natural storm drainage leaves the property at the original natural drainage points and so that the total discharge at peak flow, and the area of drainage at anyone point, is not increased, and so that the hydrograph of any post-development receiving body of water is the same as that of the pre-development hydrograph per the approved plans.
15. No stumps shall be buried on-site.
16. A Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account in the amount of \$500,000 shall be provided to the Town prior to commencement of any work authorized under this special permit in order to secure compliance with the terms and conditions hereof. The Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account shall remain in effect during the term of the Special Permit.
17. The excavations, fills or side cuts shall be set back a minimum of one hundred (100) feet from the abutter's property lines or public right-of-way.
18. No areas, except the end-use quarry pond, should be excavated so as to cause accumulation of standing water. Excavation areas, except the end-use quarry pond, shall be graded to provide positive drainage in accordance with the approved stormwater management plan.
19. Agent(s) assigned by the Board of Selectmen shall conduct inspections. All costs for outside consultant services used for inspection purposes shall be paid for by the permit holder. Funds shall be deposited into a Consultant Review Account. Inspections shall be scheduled once during each spring, each summer and each fall during peak operations and as needed during off-peak operations (e.g. winter season), or more often as reasonably required by the Town's consultant.
20. If any conditions of this permit are violated, the permit is subject to revocation by the Board of Selectmen following a hearing.
21. This permit shall not be assigned to any other person other than the person or entity named herein, unless authorized in writing by the Board of Selectmen.
22. By exercising this special permit, the permit holder agrees to permit reasonable access onto the subject premises by the agents and employees of the Lancaster Board of Selectmen for inspection purposes consistent with the requirements of Condition 19.
23. By exercising this special permit, the permit holder agrees that he will not excavate in such a manner as to leave dangerous and unsightly conditions on the premises as a result of the excavation.



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BOARD OF SELECTMEN
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

24. Earth removal plan sheet 3 depicts the restoration of overburden berms to form the shoreline of the end-use quarry pond at the completion of the earth product removal. Portions of the berm restoration appear to be located within the graphical Flood Zone A. The permit holder shall furnish the Board of Selectmen with a copy of Conservation Commission determinations and/or orders, if so required, when the permit holder undertakes such restoration. Alternatively, the permit holder may furnish the Board of Selectmen with a revised sheet 3 depicting the overburden berms relocated outside the limits of the graphical Zone A.
25. The permit holder shall continue to undertake a hydrogeologic study that shall continue for the duration of the earth product removal operation. To facilitate the continuation of the long term hydrogeologic monitoring program the permit holder shall collect a minimum of monthly measurements of the groundwater water table and behavior in the monitoring wells, continuous weather station measurements, monthly stormwater flow measurements for the lower quarry and upper quarry flow meters, and monthly measurements of the sump water elevation for the duration of the earth product removal operation. Pressure transducers shall be implemented within groundwater monitoring wells to monitor groundwater water table behavior at hourly increments. Upon failure of any pressure transducers, the permit holder has 90-days to replace the equipment. These measurements shall be provided to the Board of Selectmen quarterly, or more frequently as requested by the Board of Selectmen, and these measurements shall be reviewed by the Town's consultant as requested by the Town. All costs for outside consultant services used for inspection, data review, comment, and recommendation purposes shall be paid for by the permit holder. The hydrogeologic study shall be modified, when needed, based on recommendations by the Board's consultant.
 - a. New hourly reporting pressure transducers shall be replaced in all groundwater monitoring wells by April 15, 2022.
26. The permit holder shall submit a hydrogeologic assessment report annually by February 15th. The report shall include at a minimum the most recent year of monitoring data collected per Condition 25. The monthly and yearly quarry stormwater flow measurements shall also be provided and a comparison between the precipitation and the stormwater flow shall be included within the annual report. The Town's consultant will review the annual reports and all costs for outside consultant services for the annual report review and comment purposes shall be paid for by the permit holder.
27. Repair and/or additional installation of monitoring equipment may be requested by the Board of Selectmen based on suggestions made by the Town's consultant from their review of hydrogeologic monitoring data and their recommendations for the long term hydrogeologic



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

monitoring program. The applicant will be responsible to repair or install the requested monitoring equipment prior to the next occurring quarterly inspection.

28. The permit holder shall provide the Board of Selectmen with an updated existing active rock quarry conditions plan and updated removal volume projections with each permit renewal. The removal volume projections shall include an estimated volume to be removed through the permit expiration date as well as the estimated volume removal through final completion of earth removal activities.
29. The permit holder shall biennially submit an application for permit renewal in the manner prescribed in the Zoning and/or General Earth Product Removal Bylaw then in effect.
30. The deepest point of open excavation shall be no deeper than 20-ft above the elevation of the deepest groundwater monitoring well. Upon reaching this threshold, new monitoring wells shall be installed to deeper elevations.

Date of Public Hearing: January 5, 2022; February 15, 2022; February 28, 2022

Location: Virtually via. Zoom

Notice of Hearing, Names of newspapers: N/A

Date of Public Notice: N/A

Certified List of Abutters: N/A

DECISION FINDINGS:

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

- (a) Ensure that all requirements applicable to the special permit are fulfilled;
- (b) That the specific site is an appropriate location for the uses proposed;
- (c) That there is safe access from roads adequate for the traffic expected, adequate parking is provided and internal circulation is adequate for emergency vehicles;
- (d) That the Board of Health requirements for water and sanitation arrangements will be followed;
- (e) That the use as developed and operated will not adversely affect the neighborhood;



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

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

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

BOARD OF SELECTMEN:

Jason Allison, *Chairman*

Date: February __, 2022

#3

ARPA Requests 3/1/2020

Received 6/22/2021 422,966
Received 8/17/2021 784,917
Total received to date 1,207,882

SPENT TO DATE
COVID COORDINATOR 1,723
STRATEGIC CONSULTING 3,734
SUPPLIES FOR COVID TESTS 32
5,489

Funds available as of 2/28/2022

1,202,394

| | | |
|-----------------------|-----------|---|
| IT | Not recom | Generator for Prescott, Community Center and Library |
| IT | 70,000 | Replace Servers |
| Recreation | 100,000 | Various items |
| Building improvements | 175,000 | Community center, old town hall, library parking lot |
| Inspectional services | 5,500 | Mobile devices for inspectional, etc |
| Police | 53,000 | Cruiser |
| Fire | 350,000 | Ambulance |
| Rowland School | 150,000 | Boiler |
| Sign boards | 30,000 | |
| EV Charging stations | 23,000 | Our share of the \$132,000 grant and funding from NGRID |
| DCAM | | |
| Water Dept | | |

Total 956,500

Total Available 245,894

Remaining 50% Not yet received 1,207,882 expected this summer

BALANCE REMAINING 1,453,776

#4

**WARRANT SUMMARY FOR
ANNUAL TOWN MEETING WARRANT
May 2, 2021
THE COMMONWEALTH OF MASSACHUSETTS**

Worcester, ss.

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

GREETINGS:

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

- | | |
|-------------------|--|
| Article 1 | Approve Fiscal Year 2023 Operating Budget |
| Article 2 | To Transfer from Free Cash XXX to Capital Stabilization |
| Article 3 | Approve Fiscal Year 2023 Capital Expenditures |
| Article 4 | Approve Fiscal Year 2023 Water Enterprise Budget |
| Article 5 | Approve Fiscal Year 2023 Landfill Solar Array Enterprise Budget |
| Article 6 | Approve Funding of \$xxx for Fiscal Year 2023 Senior Tax Abatement Program |
| Article 7 | Community Preservation Fund Annual Budget |
| Article 8 | Anticipated Zoning Article |
| Article 9 | Anticipated Zoning Article |
| Article 10 | |
| Article 11 | |
| Article 12 | |
| Article 13 | |
| Article 14 | |
| Article 15 | |
| Article 16 | |
| Article 17 | |

#5

#6

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

TOWN OF LANCASTER

ORDER OF TAKING

At a regularly convened meeting of the SELECT BOARD of the TOWN OF LANCASTER held the ____ day of March, 2022, it was voted and ordered as follows:

The SELECT BOARD of the TOWN OF LANCASTER, duly elected, qualified, and acting on behalf of the Town, in accordance with the provisions of Massachusetts General Laws, Chapter 79, and the vote under Articles 11 and 12 of the June 21, 2021 Annual Town Meeting of the Town of Lancaster, and of any and every other power and authority which is hereunto in any way enabling, does hereby take, on behalf of the Town, the following interests in land over, in, through, under and upon certain lands lying within or abutting Main Street, Seven Bridge Road, Shirley Road, Otis Street, Buttonwood Lane, and Lunenburg Road, in the locations depicted on a plan entitled: "North Main Street (Route 117) 2021 Town Easement Plan, Prepared for the Town of Lancaster, Massachusetts", prepared by GCG Associates, Inc., dated _____, rev. _____ (the "Easement Plan"), and on a plan entitled: "North Main Street (Route 70/117) 2021 Town Layout Plan, Prepared for the Town of Lancaster, Massachusetts", prepared by GCG Associates, Inc., dated _____, rev. _____ (the "Layout Plan"), said plans to be recorded herewith, as set forth more particularly below:

A. Permanent Easements

1. Roadway Easements

Perpetual easements for all purposes for which public ways are used in the Town of Lancaster, which purposes shall include, without limitation, surveying, constructing, reconstructing, installing, supporting, inspecting, using, maintaining, repairing, replacing, removing or abandoning in place, within and about the easement premises, a public roadway and any and all structures necessary to support and facilitate the same, including, without limitation, curbs, sidewalks and shared use paths, guardrails, reinforced earth slopes, signs, drainage facilities, utilities (including water and sewer) and related appurtenances, over, in, through, under and upon the lands depicted on the Easement Plan as Parcels E-1 through E-7, inclusive, and the lands depicted on the Layout Plan as “2021 Town Layout Relocation” of “North Main Street (Route 70/117)”, “Buttonwood Lane”, “Otis Street”, and “Shirley Road”. The easements taken hereby in the Town Layouts are believed to be confirmatory of rights previously established by law for existing public ways.

2. Public Utility Easements

Perpetual easements for all purposes incidental to the construction and maintenance of facilities for the transmission of power, intelligence, and communications, such facilities to including poles, cables, wires, transformers, meters, cabinets, anchors, braces, guys, and related appurtenances, together with the right to reconstruct existing driveways and other improvements to facilitate such use, and to trim such vegetation and prohibit the construction of any building or structure within the easement premises as may interfere with the efficient and safe operation of said utilities, over, in, through, under, and upon the lands depicted on the Plan as Parcels PUE-1

through PUE-10, inclusive. The Town may assign this easement or authorize use of this easement by any utility company.

Each of the permanent easements taken by this order shall include the right to enter upon the easement premises, from time to time, by foot, vehicle, or heavy equipment, for all purposes stated herein and uses incidental thereto.

B. Temporary Easements

1. Roadway Construction Easements

Temporary easements for roadway construction purposes, such purposes to include, without limitation: grading, slope shaping and restoration, grass swales, excavation support, tree removal or protection, clearing and grubbing, topsoil/loam and seeding, and other landscaping, construction access, sediment and erosion control measures, construction, relocation, and replacement of drainage facilities, driveways, sidewalks, curbs, fences, stone or retaining walls, signs, and guardrails, and all such other work as is necessary to survey, construct, inspect, and complete roadway and related improvements upon and within the abutting public ways and permanent easement premises described herein, including entry by foot, vehicle, and heavy equipment for all purposes stated herein and uses incidental thereto, over, in, through, under and upon the lands depicted on the Plan as Parcels TE-1 through TE-3, inclusive, and Parcels TE-7 through TE-29.

These temporary easements shall expire **three (3) years** from the date this Order is recorded, provided that the completed grades and slopes in such easement premises shall be maintained in perpetuity.

The lands affected by the herein taking are owned or supposedly owned by the owners listed in **Schedule A**, attached hereto and incorporated within. If in any instance the name of any

owner is not correctly stated in **Schedule A**, it is understood that in such instance the land referred to is owned by an owner or owners unknown to the Town. If property encumbered by the rights taken herein is determined to be owned by the Town, this taking shall act as a confirmatory taking of such rights.

Certain owners listed in Schedule A have waived damages and a right of appraisal of said damages, and we therefore award no damages to those persons for the herein taking. In accordance with the provision of General Laws, Chapter 79, Section 6, we hereby award to those remaining owners listed in **Schedule A** those damages sustained by such owners in their property by reason of the aforesaid takings, the amount of such awards being set out in a separate **Schedule A** which is incorporated herein by reference but will not be recorded. We have determined that no other persons will sustain damages in their property by reason of the herein taking, all in accordance with the provisions of General Laws, Chapter 79, Section 6, as amended, and award no further damages in accordance with this determination.

No betterments are to be assessed under this taking.

[signatures on following page]

IN WITNESS WHEREOF, we, the duly elected and qualified Select Board for the Town of Lancaster have hereunto set our hands and seal this ____ day of March, 2022.

TOWN OF LANCASTER
SELECT BOARD

Jason Allison, Chair

Jay M. Moody

Alix W. Turner

THE COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS

_____, 2022

Then personally appeared the above-named _____, member of the Select Board of the Town of Lancaster, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name was signed on the foregoing instrument in my presence, and further acknowledged the foregoing instrument to be their free act and deed and the free act and deed of said Select Board, before me.

Notary Public

My Commission Expires:

796644/LANC/0001

SCHEDULE A

| <u>Easement</u> | <u>Property Address</u> | <u>Owner and Lenders</u> | <u>Title Reference (Book/Page)</u> |
|-------------------------------------|-------------------------|---|------------------------------------|
| E-6 TE-27 North Main Street | 1436 North Main Street | Ogilvie Lancaster Trust under Trustee's Certificate Pursuant to MGL c. 184 §35 dated April 7, 2021 and recorded at Book 64898, Page 86 Cindy A. Ogilvie, Trustee Mtg: Workers' Credit Union, Book 49149, Page 227 | 64908/104 |
| TE-1 North Main Street | 1394 North Main Street | 1394 Main Street Realty Trust udt dated December 8, 2021 (unrecorded Trust) Linnea Lakin Servey and William Servey, Trustees Mtg: Workers Credit Union, Book 49380, Page 370 | 66868/98 |
| TE-2 North Main Street | 1388 North Main Street | Michael J. Cody Mtg: Workers' Credit Union, Book 31030, Page 211 MERS for EverBank, Book 33371, Page 201 Workers' Credit Union, Book 35906, Page 102 Workers Credit Union, Book 53576, Page 297 | 58883/71 |
| TE-22 North Main Street | 1379 North Main Street | Christine Monahan | 53537/342 |
| PUE-2 TE-19 North Main Street | 1368 North Main Street | David R. Reece Mtg: U.S. Bank Trust National Association, Book 67041, Page 95 | 42333/210 |
| TE-3 North Main Street | 1373 North Main Street | Robert Pigge Monica Pigge (formerly known as Monica DiStefano) Mtg: JP Morgan Chase Bank, NA, Book 66177, Page 63 | 60901/158 |

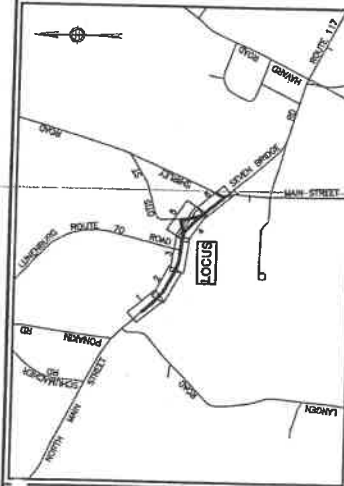
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|--|------------------------|---|----------------------|
| TE-23 North Main Street | 1361 North Main Street | John M. Quinn, Jr. (died 3/15/06) Cathy M. Quinn Mtg: Clinton Savings Bank, Book 12499, Page 176 | 7975/62 |
| PUE-1 North Main Street | 1357 North Main Street | STC 1357 North Main Street Realty Trust udt dated May 25, 2016 recorded at Book 55588, Page 252 Thomas R. Clancy, Trustee Mtg: Avidia Bank, Book 66550, Page 33 | 55588/257 |
| TE-7 North Main Street | 1334 North Main Street | Belamar, LLC | 55915/17 |
| E-1 PUE-3 TE-8 North Main Street | 1331 North Main Street | Kimball Farm at Oakridge, LLC | 45887/372 |
| PUE-6 TE-9 North Main Street | 1316 North Main Street | Christian T. Langlois Kristin E. Cornell Mtg: Wells Fargo Bank, Book 65562, Page 114 | 41465/363 |
| E-2 PUE-4 TE-10 TE-20 North Main Street Buttonwood Lane | 1317 North Main Street | Paul G. Smith Paul G Smith, Trustee of Paul G Smith Trust dated August 9, 1991, recorded in Book 13577, Page 74 | 8660/140 13577/74 |
| E-4 TE-11 North Main Street | 1312 North Main Street | David Samoski Leigh Samoski Mtg: New Jersey Mortgage and Investment Corp, Book 22481 Page 100 CitiMortgage, Inc., Book 35703, Page 210. Assigned to Green Tree Service LLC, Book 52835, Page 347. Assigned to New Residential Mortgage LLC, Book 59968, Page 128 | 18416/101 |

| | | | |
|--|---------------------------|---|-----------|
| TE-21 Buttonwood Lane Otis Street | 1 Buttonwood Lane | Home Equity Line of Credit Fidelity Cooperative, Cooperative Bank, Book 65981, Page 381 | 36909/311 |
| E-7 PUE-9 PUE-10 TE-29 North Main Street | North Main Street | Gregory A. Leonard Elizabeth M. Leonard Mtg: MERS for Freedom Mortgage Corp., Book 66168, Page 279 Owner Unknown | |
| E-5 TE-12 North Main Street | 1292 North Main Street | Mark S. Finnerly Natascha R. Finnerly Mtg: Fidelity Cooperative Bank, Book 58229, Page 229 | 11315/240 |
| TE-13 North Main Street | 1272 North Main Street | Ann W. Mazzola Living Trust dated August 10, 2015 or Thomas A. Mazzola and Ann W. Mazzola, husband and wife as Tenants by the Entirety per Affidavit dated September 30, 2015 and recorded in Book 54407, Page 221. Mtg: Worker's Credit Union, Book 34305, Page 51 Worker's Credit Union, Book 46202, Page 136 Worker's Credit Union, Book 28550, Page 24 | 54278/309 |
| TE-24 North Main Street Otis Street | 1265 North Main Street | Steven J. Muldoon Mtg: MERS for Provident Funding Book 45492, Page 147 | 45492/145 |
| TE-25 North Main Street | 1257 North Main Street | David P. Foster Mtg: MERS for Wachusett Mortgage Corporation, Book 31362, Page 140 | 24040/286 |

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|--|------------------------|---|-----------|
| TE-14 North Main Street | 1252 North Main Street | Bruce Bradford Helen Bradford | 8322/1 |
| TE-15 North Main Street | 1234 North Main Street | Mtg: Leominster Credit Union, Book 23116, Page 220 Mary Zeh Matthew T. Zeh | 31553/134 |
| E-3 PUE-5 TE-16 North Main Street | 1 Hollywood Drive | Mtg: MERS for Provident Funding Group, Inc., Book 48929, Page 99 Clinton Savings Bank, Book 64911, Page 78 Town of Lancaster | 5148/368 |
| PUE-7 North Main Street Shirley Road | 7 Shirley Road | Kristen L. Scribner | 55802/5 |
| PUE-8 TE-17 North Main Street | 1207 North Main Street | Mtg: Clinton Savings Bank, Book 55802, Page 9 John J. King, Jr. and Bonita K. King, Trustees, u/d/t King Living Trust (unrecorded trust) dated December 23, 2019 | 62722/65 |
| TE-18 North Main Street | 8 Seven Bridge Road | Valerie J. Taylor Faline Lorraine Rezvan | 63336/83 |
| TE-26 North Main Street | 11 Seven Bridge Road | Jeff J. Jarvis Donna L. Jarvis | 11886/30 |
| TE-28 North Main Street | 46 Seven Bridge Road | Mtg: MERS for Countrywide Home Loans, Inc., Book 35504, Page 196, Assigned to The Bank of New York Mellon, Book 49345, Page 132 Clinton Savings Bank, Book 39497, Page 174 Eric M. Jones Lorena R. Jones | 8294/13 |

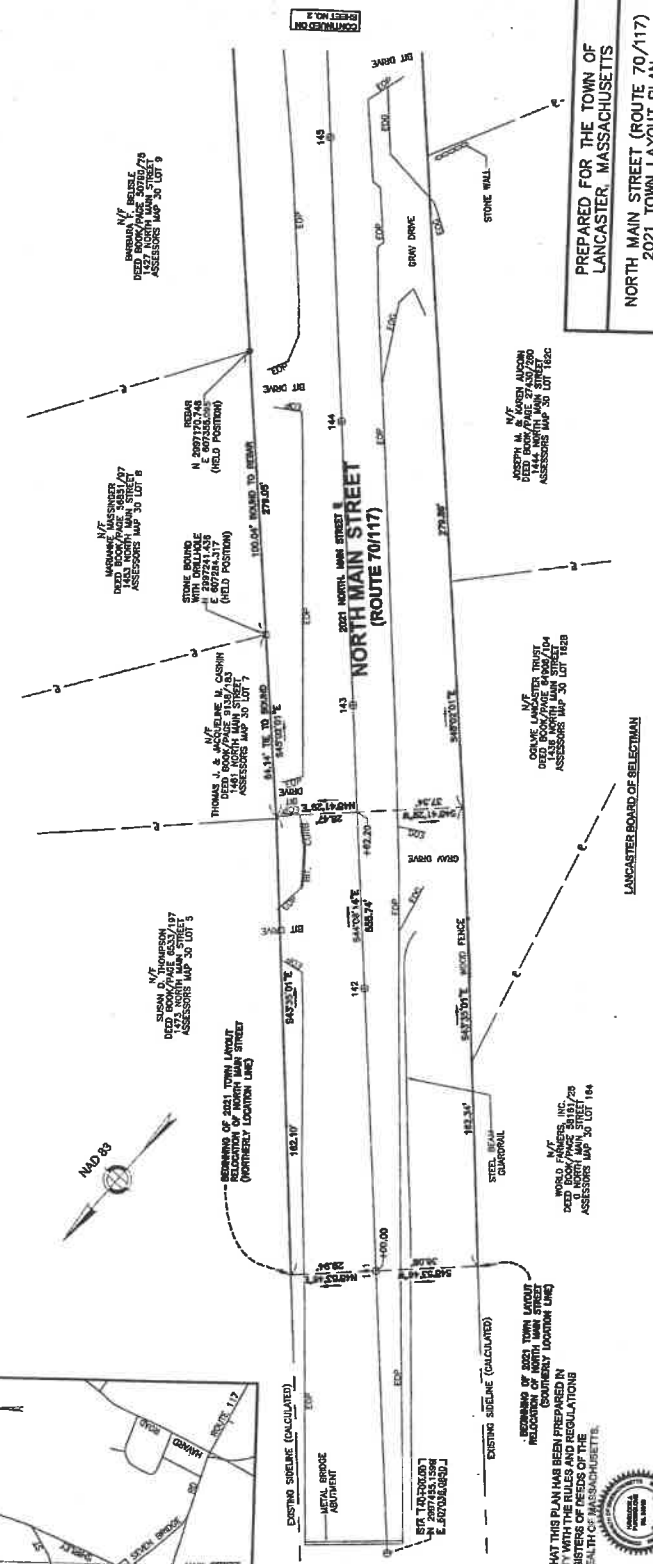
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|-----------------------------------|------------------------|--|-----------|
| Otis Street | 27 Otis Street | Peter D. James Susan A. Wood Mtg: Rockland Trust Company, Book 59653, Page 298 MERS for Amerisave Mortgage Corporation, Book 66569, Page 365 | 49900/307 |
| Otis Street | 9 Otis Street | John A. Foster II Mtg: Workers Credit Union, Book 48642, Page 95 | 31660/297 |
| North Main Street | 1263 North Main Street | Dann E. Prentiss Mtg: MERS for Accredited Home Lenders, Inc., Book 37702, Page 364. Assigned to Deutsche Bank National Trust Company, Book 49230, Page 394 Elizabeth S. Prentiss, Book 37895, Page 23 | 37702/362 |
| North Main Street | 1241 North Main Street | Richard E. Dudley Maura S. Dudley Mtg: Wells Fargo Bank, NA, Book 10148, Page 270 | 9198/257 |
| North Main Street Shirley Road | 1219 North Main Street | Silva Buteau | 12709/372 |

LANCASTER-2021 TOWN LAYOUT - SHEET 1 OF 6 SHEETS



SCALE: 1" = 20'

SCALE: 1" = 1000'



| | |
|---|--|
| PREPARED FOR THE TOWN OF LANCASTER, MASSACHUSETTS | |
| NORTH MAIN STREET (ROUTE 70/117) 2021 TOWN LAYOUT PLAN | |
| GCG ASSOCIATES, INC. MASSACHUSETTS | |
| SCALE: 1"=20'(EXCEPT AS NOTED) | DATE: JUNE 8, 2021 |
| JOB NO./FILE NAME 608770-LODING | DRAWN BY: H.J.P. CHECKED BY: M.J.G. |
| | PLAN NO. 1 OF 6 |

LANCASTER BOARD OF SELECTMAN

LANCASTER TOWN CLERK

DATE: _____

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN
ACCORDANCE WITH THE RULES AND REGULATIONS
OF THE REGISTER OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.



DATE: _____
HAVELOCK J. POIRER, CIVIL ENGINEER, P.E. # 64518

LANCASTER-2021 TOWN LAYOUT - SHEET 2 OF 6 SHEETS

SCALE: 1" = 20'



CONTINUED ON
SHEET NO. 1

CONTINUED ON
SHEET NO. 3

N/T
DEED BOOK PAGE 1327
1327 NORTH MAIN STREET
ASSESSORS MAP 30 LOT 9

N/T
DEED BOOK PAGE 1005
1005 NORTH MAIN STREET
ASSESSORS MAP 30 LOT 10

N/T
DEED BOOK PAGE 1817/200
1817/200 NORTH MAIN STREET
ASSESSORS MAP 30 LOT 12

N/T
DEED BOOK PAGE 2870/1411
2870/1411 NORTH MAIN STREET
ASSESSORS MAP 30 LOT 10B

N/T
DEED BOOK PAGE 1300/120A
1300 NORTH MAIN STREET
ASSESSORS MAP 30 LOT 10A

N/T
DEED BOOK PAGE 418
418 NORTH MAIN STREET
ASSESSORS MAP 30 LOT 10C

N/T
DEED BOOK PAGE 2023/218
2023/218 NORTH MAIN STREET
ASSESSORS MAP 30 LOT 161

NORTH MAIN STREET
(ROUTE 70/117)

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN
CONFORMITY WITH THE RULES AND REGULATIONS
OF THE REGISTER OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.



DATE: MAY 10, 2021
HAYES, J. PHILLIPS, PLS. # 94318

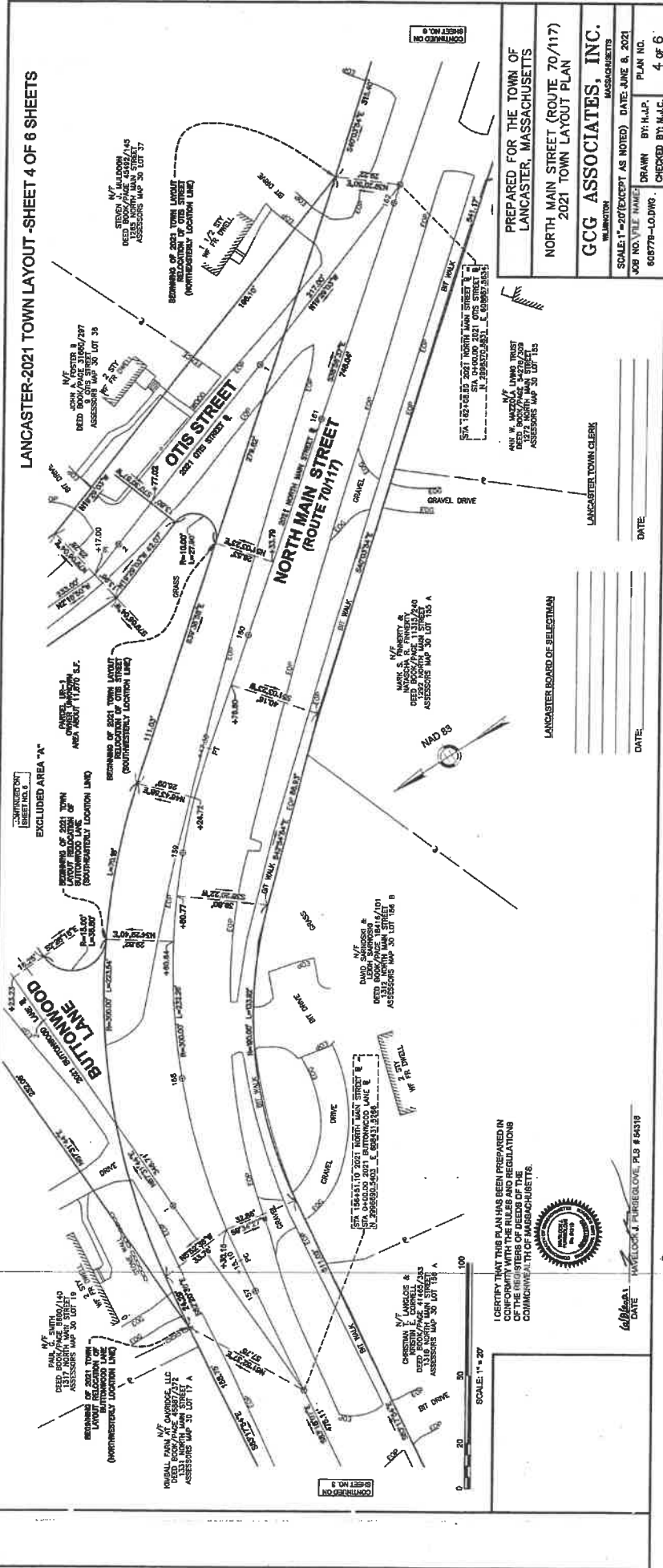
LANCASTER BOARD OF SELECTMAN

LANCASTER TOWN CLERKS

DATE: _____

| | |
|---|--------------------|
| PREPARED FOR THE TOWN OF LANCASTER, MASSACHUSETTS | |
| NORTH MAIN STREET (ROUTE 70/117) 2021 TOWN LAYOUT PLAN | |
| GCG ASSOCIATES, INC. WILMINGTON, MASSACHUSETTS | |
| SCALE: 1" = 20' (EXCEPT AS NOTED) | DATE: JUNE 6, 2021 |
| JOB NO./FILE NAME: 608778-10.010 | DRAWN BY: H.J.P. |
| CHECKED BY: M.J.G. | PLAN NO.: 2 OF 6 |

LANCASTER-2021 TOWN LAYOUT - SHEET 4 OF 6 SHEETS



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN
ACCORDANCE WITH THE REGULATIONS
OF THE REGISTER OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.



DATE: 6/16/21
DRAWN BY: K.J.P.
CHECKED BY: M.J.C.

| | |
|---|--------------------|
| PREPARED FOR THE TOWN OF LANCASTER, MASSACHUSETTS | |
| NORTH MAIN STREET (ROUTE 70/117) 2021 TOWN LAYOUT PLAN | |
| GCG ASSOCIATES, INC. WILMINGTON MASSACHUSETTS | |
| SCALE: 1"=20' (EXCEPT AS NOTED) | DATE: JUNE 8, 2021 |
| JOB NO. FILE NAME | PLAN NO. |
| 605778-LDWG | 4 OF 6 |

LANCASTER BOARD OF SELECTMEN

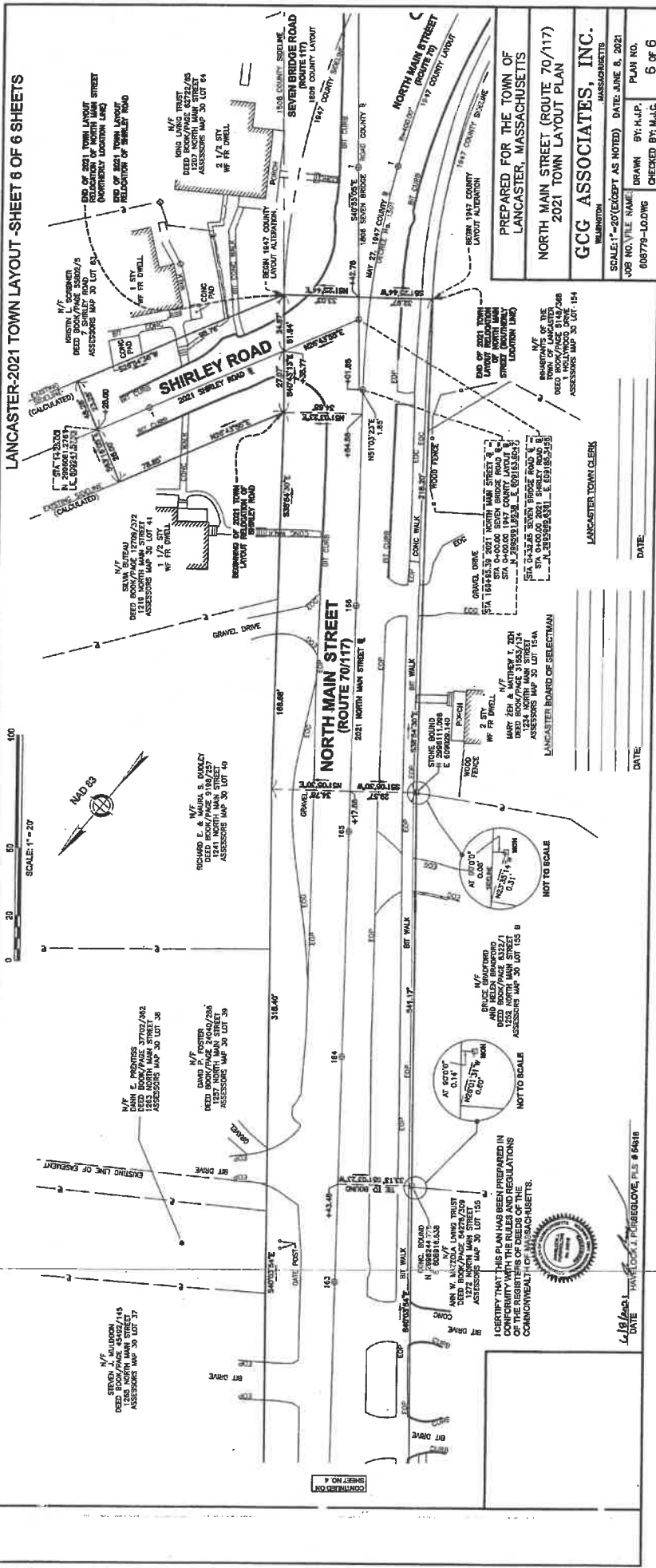
DATE: _____
DATE: _____

LANCASTER TOWN CLERK

DATE: _____

LANCASTER-2021 TOWN LAYOUT - SHEET 6 OF 6 SHEETS

SCALE: 1" = 20'



| | |
|---|--------------------|
| PREPARED FOR THE TOWN OF LANCASTER, MASSACHUSETTS | |
| NORTH MAIN STREET (ROUTE 70/117) 2021 TOWN LAYOUT PLAN | |
| GCG ASSOCIATES, INC. WILMINGTON, MASSACHUSETTS | |
| SCALE: 1" = 20' (EXCEPT AS NOTED) | DATE: JUNE 8, 2021 |
| JOB NO. FILE NAME | DRAWN BY: H.J.P. |
| 008779-LOADING | CHECKED BY: M.J.C. |
| | PLAN NO. |
| | 6 OF 6 |

LANCASTER TOWN CLERK

DATE:

LANCASTER BOARD OF SELECTMEN

DATE:

NOT TO SCALE

AT 80°00' 0.14'

AT 80°00' 0.14'

NOT TO SCALE

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

6/18/2021

DATE

COMMITTEE ON

SHIRLEY ROAD

SEVEN BRIDGE ROAD

NORTH MAIN STREET

**LUNENBURG ROAD
(ROUTE 70)**

STREET

(ROUTE 117)

NORTH MAIN
734-07.68

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

STA 100+41.50 1983 SHLD NO. 5539 Q.

PREPARED FOR THE TOWN OF
LANCASTER, MASSACHUSETTS

GCG ASSOCIATES, INC.

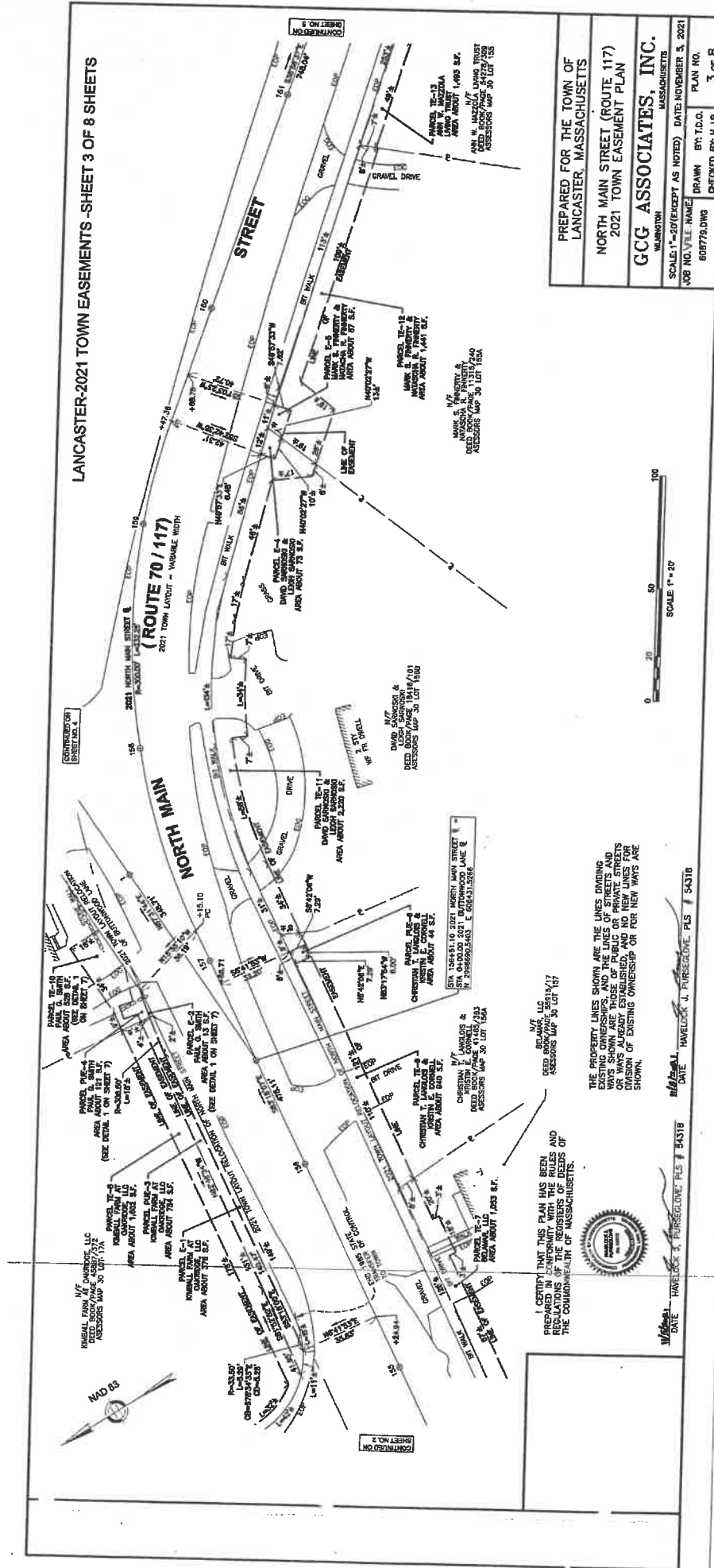
SCALE: 1"=20'(EXCEPT AS NOTED) DATE: NOVEMBER 5, 2021

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| JOB NO. FILE NAME | DRAWN BY: T.D.O. | PLAN NO. |
| 6087779.DWG | CHECKED BY: M.L.P. | 2 OF 8 |

11/5/2001
DATE HAVELOCK J. PURSEGLOVE, PLS 54318

DATE 11/6/62 [Signature] HAVELOCK J. PURSEGLOVE, PLS # 54318

LANCASTER-2021 TOWN EASEMENTS - SHEET 3 OF 8 SHEETS



| | |
|--|------------------------|
| PREPARED FOR THE TOWN OF LANCASTER, MASSACHUSETTS | |
| NORTH MAIN STREET (ROUTE 117) 2021 TOWN EASEMENT PLAN | |
| GCG ASSOCIATES, INC. WILMINGTON, MASSACHUSETTS | |
| SCALE: 1"=20' (EXCEPT AS NOTED) | DATE: NOVEMBER 3, 2021 |
| JOB NO. V.I.E. NAME | DRAWN BY: T.D.O. |
| 808773.DWG | CHECKED BY: H.J.P. |
| | PLAN NO. |
| | 3 OF 8 |

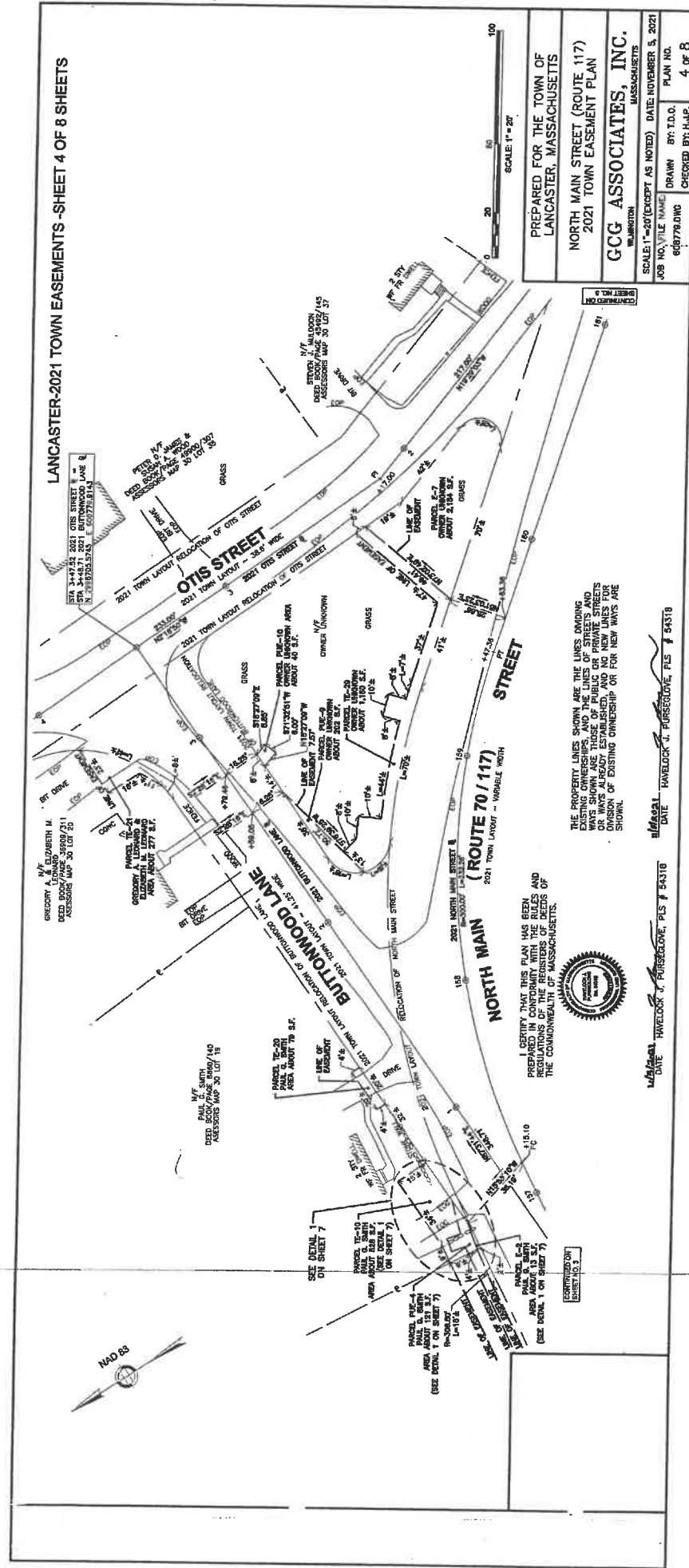
THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING
THE TOWNSHIPS AND THE LINES OF STREETS AND
WAYS SHOWN ARE THOSE OF THE RECORDS OF THE
TOWNSHIP OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE
SHOWN.

I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN ACCORDANCE WITH THE
REGULATIONS OF THE REGISTER OF DEEDS OF
THE COMMONWEALTH OF MASSACHUSETTS.



DATE: 11/15/2021
DRAWN BY: T.D.O.
CHECKED BY: H.J.P.
DATE: 11/15/2021
DRAWN BY: T.D.O.
CHECKED BY: H.J.P.

LANCASTER-2021 TOWN EASEMENTS -SHEET 4 OF 8 SHEETS



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE BOARD OF REGISTRY OF THE COMMONWEALTH OF MASSACHUSETTS.



THE PROPERTY LINES SHOWN ARE THE LINES DURING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND EASEMENTS SHOWN ARE THE LINES OF STREETS AND EASEMENTS AS THEY WERE ALREADY ESTABLISHED OR FOR NEW WAYS ARE SHOWN.

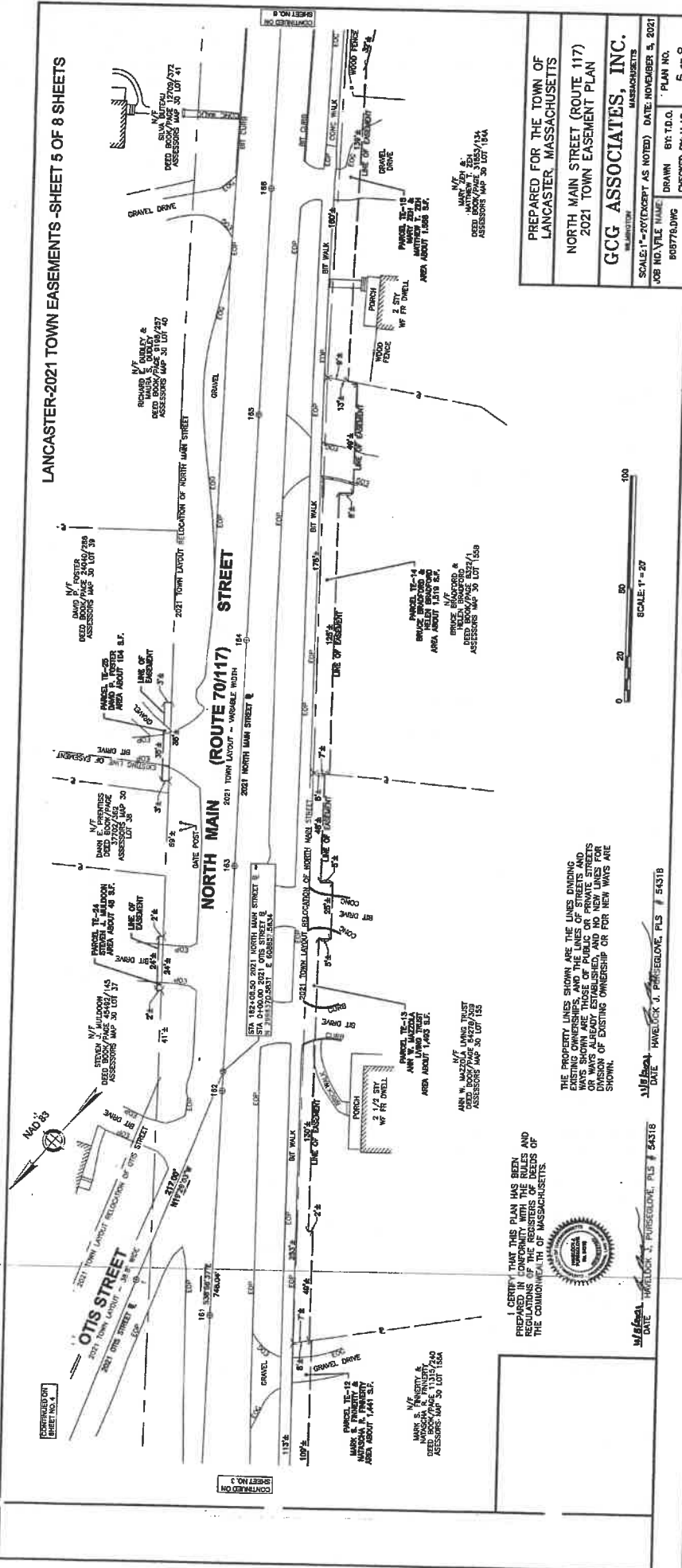
PREPARED FOR THE TOWN OF LANCASTER, MASSACHUSETTS

NORTH MAIN STREET (ROUTE 117)
2021 TOWN EASEMENT PLAN

GCG ASSOCIATES, INC.
LANCASTER, MASSACHUSETTS

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| SCALE: 1"=20' | SCALE: 1"=20' (EXCEPT AS NOTED) | DATE: NOVEMBER 5, 2021 |
| JOB NO. FILE NAME | DRAWN BY: T.D.O. | PLAN NO. |
| 609778.DWG | CHECKED BY: H.A.P. | 4 OF 8 |

LANCASTER-2021 TOWN EASEMENTS -SHEET 5 OF 8 SHEETS



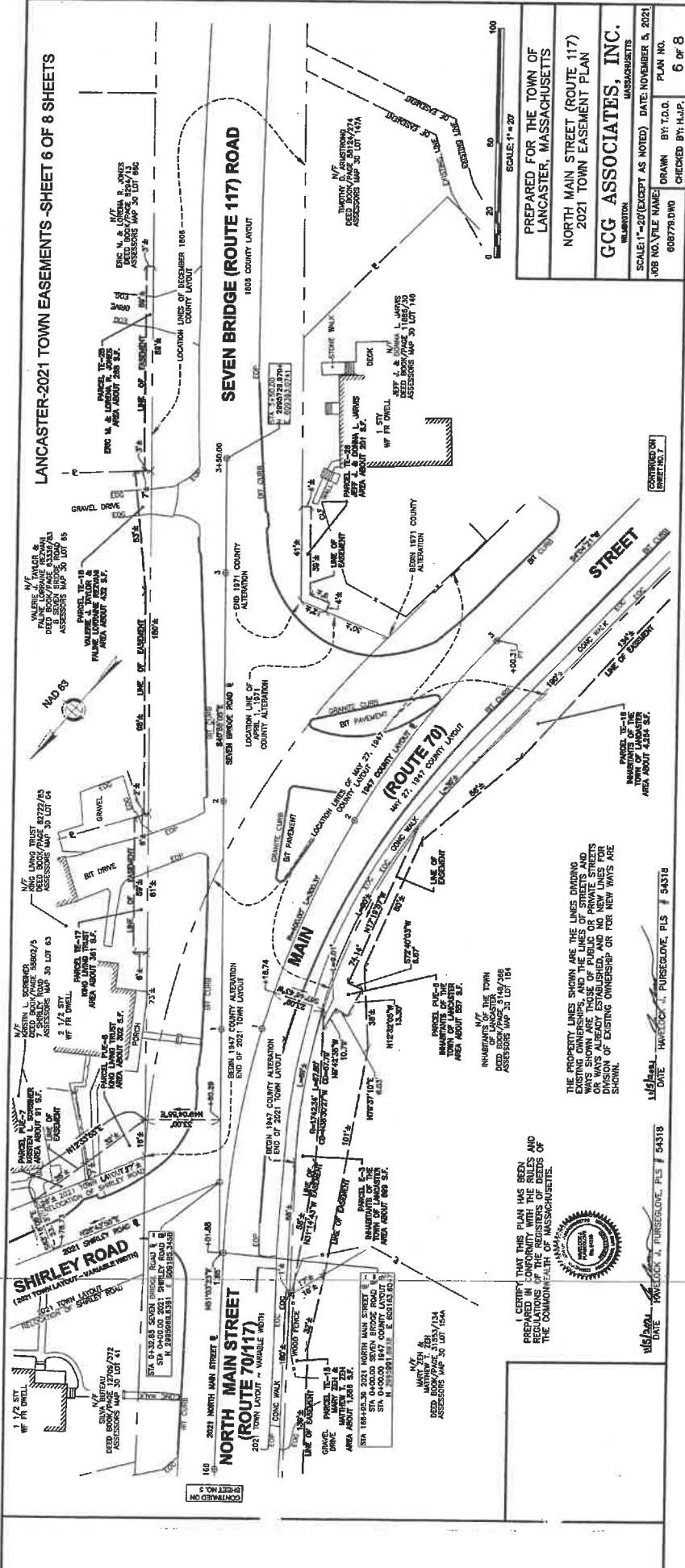
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.



THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EASEMENTS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THE LINES OF PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW WAYS OR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

| | |
|---|------------------------|
| PREPARED FOR THE TOWN OF LANCASTER, MASSACHUSETTS | |
| NORTH MAIN STREET (ROUTE 117) 2021 TOWN EASEMENT PLAN | |
| GCG ASSOCIATES, INC. MASSACHUSETTS | |
| SCALE: 1"=20' (EXCEPT AS NOTED) | DATE: NOVEMBER 5, 2021 |
| JOB NO. VLE 1111 | DRAWN BY: T.O.O. |
| 805778.DWG | CHECKED BY: H.J.P. |
| | 5 OF 8 |

DATE: 11/15/2021
 DATE: 11/15/2021
 HAVELock J. PUGHLORE, PLS # 54318
 HAVELock J. PUGHLORE, PLS # 54318



PREPARED FOR THE TOWN OF
LANCASTER, MASSACHUSETTS

NORTH MAIN STREET (ROUTE 117)
2021 TOWN EASEMENT PLAN

GCG ASSOCIATES, INC.
MASSACHUSETTS

SCALE 1"=20' (EXCEPT AS NOTED) DATE: NOVEMBER 5, 2021
JOB NO./FILE NAME: DRAWN BY: T.O.O. CHECKED BY: H.J.P.
608775.DWG PLAN NO. 6 OF 8

THE PROPERTY LINES SHOWN ARE THE LINES DEDUCED FROM EXISTING OWNERSHIP, AND THE LINES OF STREETS AND EASEMENTS ARE DEDUCED FROM THE RECORDS OF THE TOWN OF LANCASTER, MASSACHUSETTS. THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.



DATE: 11/5/2021
DRAWN BY: H.J.P.
CHECKED BY: H.J.P.
DATE: 11/5/2021
DRAWN BY: H.J.P.
CHECKED BY: H.J.P.

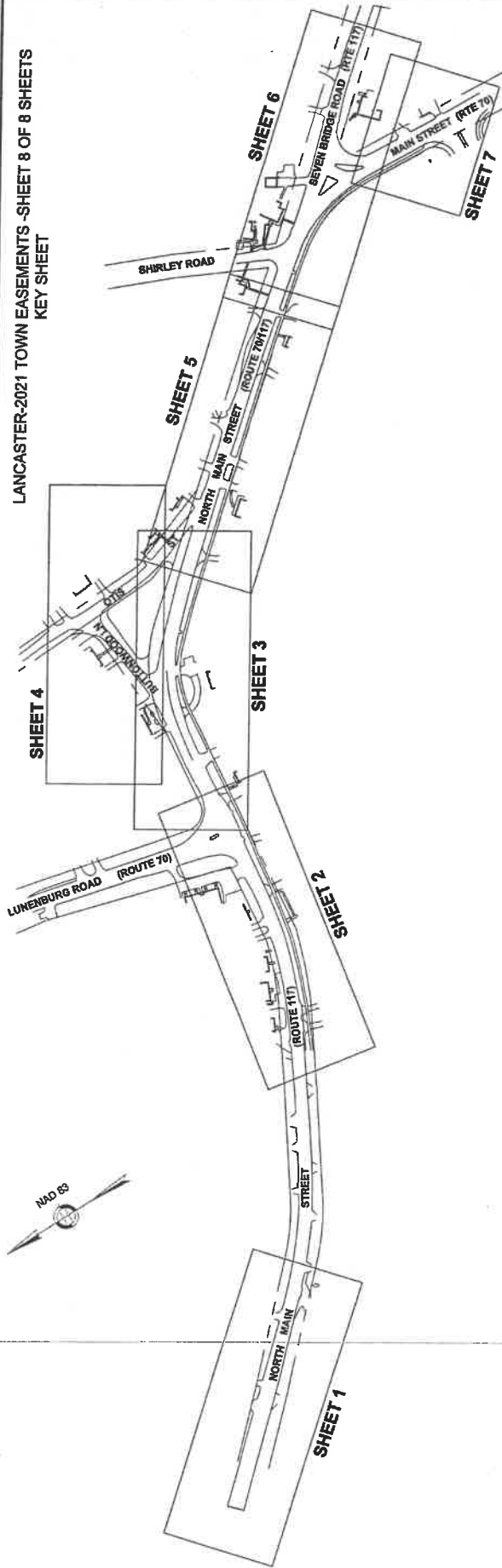
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4/5/2001 DATE 4/5/2001 HAVELOCK J. PURSEGLOVE, PLS # 54318

GCG ASSOCIATES, INC.
100 UNIVERSITY

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| JOB NO. 608778.DWG | | DRAWN BY: T.D.O. | | PLAN NO. 7 OF 8 | |
| SCALE: 1"=20'(EXCEPT AS NOTED) | | DATE: NOVEMBER 5, 2021 | | MASSACHUSETTS | |
| UNRECORDED | | | | | |

LANCASTER-2021 TOWN EASEMENTS-SHEET 8 OF 8 SHEETS
KEY SHEET



I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMITY WITH THE RULES AND
REGULATIONS OF THE BOARD OF REGISTERS OF
THE COMMONWEALTH OF MASSACHUSETTS.



THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING
EXISTING OWNERSHIPS, AND THE LINES OF STREETS, AND
EXISTING EASEMENTS, AND THE LINES OF PRIVATE STREETS
ON WAYS ALREADY ESTABLISHED, AND NO NEW WAYS ARE
DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE
SHOWN.

DATE 11/10/21 HAWLOCK, J. PURSEGLOVE, PLS # 54318

DATE 11/10/21 HAWLOCK, J. PURSEGLOVE, PLS # 54318

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| PREPARED FOR THE TOWN OF LANCASTER, MASSACHUSETTS |
| NORTH MAIN STREET (ROUTE 117) 2021 TOWN EASEMENT PLAN |
| GCG ASSOCIATES, INC. WALINGTON, MASSACHUSETTS |
| SCALE: 1"=20' (EXCEPT AS NOTED) DATE: NOVEMBER 5, 2021 |
| JOB NO./FILE NAME: 60877J.DWG |
| DRAWN BY: T.D.O. |
| CHECKED BY: H.A.P. |
| PLAN NO. 8 OF 8 |

#7



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Jamey Tesler, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator



Jeff Nutting
Interim Town Administrator
Lancaster Town Offices
Prescott Building
701 Main Street,
Lancaster, MA 01523

March 1, 2022

Dear Mr. Nutting,

Enclosed with this letter is an original Traffic Control Agreement for the Safety Improvement Project regarding Main Street (Route 70/117) in Lancaster. This agreement is required by the Federal Highway Administration in accordance with Title 23 USC, Sections 109(d) and 116. The purpose of this Agreement is to assure that the ways within and adjacent to the project will be operated and maintained by the municipality as planned. Failure on the part of any municipality to execute and fulfill the terms of the Agreement may cause disqualification from participation in future Safety Improvement Projects.

This Agreement has been discussed with the project design engineer and municipal representatives. The proper officials are required to sign the original Agreement and affix all attests and seals.

It is requested that all pertinent traffic regulations be enacted. In the instance where existing municipal regulations are in conflict with the Agreement, action must be taken to bring them into compliance with the Agreement.

Please submit to this office the signed original of the Agreement and the signed, dated and executed original of the regulation establishing the "Specific Provisions Section" as detailed in the Traffic Control Agreements. If any of the "Specific Provisions Section" is in effect, please provide a copy of the regulation. Upon completion, please forward all required documents to: State Traffic Engineer, Room 7210, Ten Park Plaza, Boston, MA 02116, Attention: Joseph J. Amato, for processing.

If you have any questions regarding this matter, you can contact Joseph J. Amato of the Highway Safety Division at joseph.j.amato@dot.state.ma.us.

Sincerely,

Neil E. Boudreau
Assistant Administrator for Safety and Traffic Engineering



MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

TRAFFIC ENGINEERING

TRAFFIC CONTROL AGREEMENT

AGREEMENT BETWEEN THE
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION AND THE
TOWN OF LANCASTER

FEDERAL AID PROJECT NO. CMQ/HSI/STP-0033(025)X

AGREEMENT NO. 608779

AGREEMENT, made this ____ day of _____, 2022 by and between the Massachusetts Department of Transportation, hereinafter called "MASSDOT," and the TOWN OF LANCASTER, hereinafter called the "TOWN," pursuant to the provisions of 23 U. S. C. §§ 109(d) & 116, and in accordance with the official standards of MASSDOT, which have been adopted in conformity with the provisions and recommendations of the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Department of Transportation, Federal Highway Administration, hereinafter called "STANDARDS."

WHEREAS, MASSDOT and the TOWN have agreed that IMPROVEMENTS ALONG MAIN STREET (ROUTE 70/117), being in whole or in part a TOWN way, has qualified to participate in the Federal Aid Program with the work being financed in part by the Federal Government; and

WHEREAS, the United States Government, through its Department of Transportation, Federal Highway Administration, requires that the project area upon completion will be operated and maintained in an adequate manner; and

WHEREAS, the TOWN approves the proposed plans for the improvements and upon completion of the project will be the responsibility of the TOWN.

NOW, THEREFORE, in consideration thereof, the TOWN hereby agrees to conform to the following provisions:

General Provisions

- A. All information, regulatory or warning signs, all traffic control signals, traffic islands or other traffic control devices and all pavement or other markings within the ways located in the project area shall be designed, located and operated in accordance with the STANDARDS of MASSDOT for such devices.
- B. The Police Department of the TOWN shall be the enforcement agency for traffic regulations established in accordance with this AGREEMENT and the traffic devices installed in connection therewith.

- C. Signed, dated and attested copies of amendments to the TOWN traffic ordinances necessary for the enforcement of any specific provisions will be forwarded forthwith by the TOWN to MASSDOT.

Specific Provisions

STOP SIGN

Along Buttonwood Lane southbound at its intersection with Main Street
Along Buttonwood Lane northbound at its intersection with Otis Street
Along Shirley Road southbound at its intersection with Main Street

DO NOT ENTER

Along Otis Street southbound at its intersection with Buttonwood Lane

NO RIGHT TURN

Opposite Buttonwood Lane eastbound at its intersection with Otis Street

NO LEFT TURN

Opposite #1334 Main Street Driveway at its intersection with Main Street

ONE WAY

Along Otis Street southbound at its intersection with Buttonwood Lane (R6-1L facing #27 Otis Street and R6-1R facing Buttonwood Lane)
Along Otis Street southbound at its intersection with Main Street (R6-2L facing Main Street westbound and R6-2R facing Main Street eastbound)

LEFT LANE MUST TURN LEFT

Along Main Street eastbound at a point approximately 170 feet west of Lunenburg Road
Along Lunenburg Road southbound at a point approximately 305 feet north of Main Street
Along Seven Bridge Road westbound at a point approximately 180 feet east of Main Street

RIGHT LANE MUST TURN RIGHT

Along Main Street westbound at a point approximately 255 feet east of Lunenburg Road
Along Main Street eastbound at a point approximately 175 feet west of Seven Bridge Road
Along Lunenburg Road southbound at a point approximately 305 feet north of Main Street

LANE CONFIGURATION SIGNAGE

Along Lunenburg Road southbound at a point approximately 200 feet north of Main Street

BIKE LANE

Along Lunenburg Road northbound at a point approximately 115 feet north of Main Street
Along Lunenburg Road northbound at a point approximately 340 feet north of Main Street (END)

RIGHT TURN LANE YIELD TO BIKES

Along Lunenburg Road southbound at a point approximately 390 feet north of Main Street

KEEP RIGHT

Along Main Street eastbound at a point approximately 105 feet west of Seven Bridge Road (median island west end terminus)

Along Main Street westbound at a point approximately 50 feet west of Seven Bridge Road (median island east end terminus)

Along Main Street southbound at a point approximately 30 feet west of Seven Bridge Road (median island north end terminus)

Along Main Street northbound at a point approximately 60 feet west of Seven Bridge Road (median island south end terminus)

BIKE MAY USE FULL LANE

Main Street westbound at a point approximately 360 feet west of Lunenburg Road

Main Street eastbound at a point approximately 280 feet west of Lunenburg Road

Lunenburg Road northbound at a point approximately 385 feet north of Main Street

Seven Bridge Road eastbound at a point approximately 310 feet east of Main Street

SHARED USE PATH

Along Main Street (opposite and facing Lunenburg Road) at a point approximately 25 feet east of Lunenburg Road (BEGIN)

DO NOT BLOCK INTERSECTION

Along Main Street westbound at its intersection with Buttonwood Lane

Along Main Street eastbound at its intersection with Shirley Road

NO TURN ON RED

Along Lunenburg Road southbound at its intersection with Main Street (mounted to traffic signal overhead mast arm and post-mounted to stop line pedestal post)

LEFT YIELD ON FLASHING YELLOW ARROW

Along Main Street eastbound at its intersection with Lunenburg Road (mounted to traffic signal overhead mast arm)

Along Seven Bridge Road westbound at its intersection with Main Street (mounted to traffic signal overhead mast arm)

Traffic Control Signals

- A. Traffic Control Signals shall be operated in strict accordance with the requirements of the applicable permit.
- B. Changes in the operation of the traffic control signals located in the Federal Aid Project area are not to be made without the prior written approval of MASSDOT.
- C. Traffic Control Signals, the operation of which is pertinent to the Federal Aid Project area covered by this AGREEMENT, will be installed to control traffic as shown on the plans for this Federal Aid Project. All power charges for the operation of the installation will be the responsibility of the TOWN as well as charges for maintenance and control. The traffic control signals listed below will be under the ownership and control of the TOWN.
 - a. Main Street (Route 70/117) at Lunenburg Road (Route 70)
 - b. Main Street (Route 70/117) at Seven Bridge Road (Route 117) at Private Driveway

Access and Egress

Within the limits of the Federal Aid Project, neither additional driveways (residential or commercial) nor relocation or alteration of existing driveways shall be permitted unless they are in conformance with MASSDOT STANDARDS and receive prior written approval from MASSDOT.

Miscellaneous

Traffic Controls or regulations instituted whether by the MASSDOT or the TOWN on ways or parts thereof within the Federal Aid Project are to remain in force and effect until proposed future changes have been approved in writing by MASSDOT.

MASSDOT will not approve any future proposed traffic control changes within the Federal Aid Project, which will in the opinion of MASSDOT, lessen to any degree the efficient utilization of the highway for traffic purposes.

Maintenance

The TOWN, in accordance with the provisions of 23 U.S.C. §§ 109(d) & 116, will properly maintain the way and all traffic control devices and pavement markings under the control of the TOWN within the project area. This obligation includes features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities. This requirement does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

Penalty

Continued and willful failure on the part of the TOWN to fulfill its responsibility in the proper maintenance and operation and the enforcement of the traffic regulations of the completed project may disqualify the TOWN from participation in future Federal Aid Projects in which the TOWN has maintenance responsibility, as provided in Title 23 USC.

Such failure may result in the withholding or withdrawal of the unexpended balance of any funds assigned to the TOWN, under the provisions of MASS. GEN. LAWS ch. 90, § 34.

IN WITNESS WHEREOF, the Parties hereto have executed this AGREEMENT on the day and year first written.

TOWN OF LANCASTER

**MASSACHUSETTS DEPARTMENT OF
TRANSPORTATION**

TOWN ADMINISTRATOR

HIGHWAY ADMINISTRATOR

LEGAL CERTIFICATION

This will certify that the TOWN has complied with all applicable State Laws and its By-Laws and Ordinances as they apply to this AGREEMENT and that this AGREEMENT is a valid, binding Agreement with the TOWN.

DATE

TOWN COUNSEL

CERTIFICATE OF SIGNATORY

This will certify that the below named individuals are duly authorized and empowered to execute and deliver this Agreement on behalf of the TOWN.

NAME

TITLE

NAME

TITLE

DATE

ATTEST (SIGNATURE)

TOWN CLERK

#8

Kathi Rocco

From: Mike Hanson
Sent: Saturday, February 26, 2022 10:32 AM
To: Jason A. Allison
Cc: Jeff Nutting; Kathi Rocco
Subject: Mondays BOS agenda
Attachments: F175F60B-BA1B-489B-93B8-9D40A4BDD055.jpeg; BF4F3344-758B-464F-933D-A2C6B93336BD.jpeg; 53E8BFEB-E7B0-4513-8B5A-D63663279C73.jpeg; 2E0FEBE7-5332-40E7-AEAD-35A434EA7A99.jpeg

Chairman Allison,

I am writing about the BOS agenda for the 28th, there is an agenda item for putting town seals on all vehicles.

I wanted to discuss the fire department, all the vehicles here except for my car and the pickup are lettered and marked.

In the history of the department having a chief's car it has never been marked, I have attached pictures of all of them. The reason for my car being unmarked is for safety reasons, public safety officials have been a target for violence over the last couple years and has increased. This allows me to park at my home and not be identified as a public safety official and where I live. As public safety officials our names and addresses do not get published in the street listing.

With this new car I applied for the regular plates for safety reasons, the state allows this and approved it, marking the car would defeat that purpose.

Also, as a strong chief, this gives me control over the department, personal, equipment and budget, this would include what vehicles that get lettered and how. The Strong Chief law gives the chief overall control over the department without interference from the board.

Also here is a list of towns that the chief's car is unmarked:

Acton Fire Chief and Deputy chief car with regular plates

Boxborough Fire with regular plates,

Bolton Fire with regular plates

Boylston Fire, Clinton Fire, Harvard Fire, Leominster Fire, Lunenburg Fire, Sterling Fire, Shirley Fire, Stow Fire, Fitchburg Fire, Berlin Fire, Ayer Fire, Winchendon Fire, Gardner Fire, just to name a few area towns, the trend has been chief's getting away from marked cars for safety reasons.

As you are aware I already have a police report on file from last year before I got the new car, of someone sitting in front of my house then following me. I take my safety and safety of my family seriously. In talking to the Acton Chief they switched both the chief's car and deputy to unmarked for the same reasons the pervious chief had a couple incidents where he was being harassed and was advised to unmark the cars so they did, and Boxbrough had a similar situation. This goes the same for police chiefs they all have unmarked cars for safety.

Any questions please reach out.

Thank you

Michael J Hanson
Fire Chief/ EMD
Lancaster Fire-EMS Department
1055 Main Street
Lancaster, MA 01523
Bus: 978-368-4003
Fax: 978-368-4006
WWW.Lancasterfd.net

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#9

Kathi Rocco

From: Sandra Charton
Sent: Thursday, March 3, 2022 6:01 AM
To: Jeff Nutting; Kathi Rocco
Subject: Fwd: Cameras for Prescott Building - item on 2/28 BOS Agenda (Jay added, I think?)

Just sending this along in case it's relevant - John D had discussed this back in August, I believe?

Sent from my iPhone

Begin forwarded message:

From: John DiTommaso <jditommaso@lanasterma.net>
Date: August 11, 2021 at 10:48:24 AM EDT
Subject: RE: Cameras for Prescott Building

Jay,

RE: and what is wrong with wireless systems They are widely used

Personally I find wireless a security risk, signals can be easily sniffed and jammed. Therefore if I was to setup a security camera system using wireless technology I would recommend a separate, dedicated Wi-Fi network.

However wireless only solves the connectivity/network requirement. You still have to power the cameras.

Typically there is no convenient power source where you want to locate your camera.

Most enterprise level systems today use PoE (Power over Ethernet) cameras. You just need to run one network cable which provides the camera with connectivity and power.

You could choose to go with battery powered cameras, but it would significantly limit your choices of cameras and systems and then you have monitor and replace the batteries. If you don't think that is an issue ask Alix where her Arlo cameras are.

Regards,

John C DiTommaso

IT Director

Town of Lancaster

701 Main Street Suite 3

Lancaster, MA 01523

978-365-3326 ext 1308

From: Sandra Charton <SCharton@lanasterma.net>
Sent: Saturday, August 7, 2021 8:18 PM

To: John DiTommaso <jditommaso@lanasterma.net>; Orlando Pacheco <OPacheco@lanasterma.net>
Cc: jaymdy@comcast.net
Subject: FW: Cameras for Prescott Building

Hi – I'm forwarding this response from Jay, since I suspect you can answer the question re: wireless systems better than I can.

Many thanks - Sandi

From: jaymdy@comcast.net <jaymdy@comcast.net>
Sent: Saturday, August 7, 2021 7:26 PM
To: Sandra Charton <SCharton@lanasterma.net>
Subject: RE: Cameras for Prescott Building

first only for security which is what the community center is supposed to be for, and what is wrong with wireless systems They are widely used Jay Moody

On 08/05/2021 11:57 AM Sandra Charton <scharton@lanasterma.net> wrote:

Thanks for the detailed information, John – much appreciated.

From: John DiTommaso <jditommaso@lanasterma.net>
Sent: Thursday, August 5, 2021 9:27 AM
To: Sandra Charton <SCharton@lanasterma.net>
Cc: Orlando Pacheco <OPacheco@lanasterma.net>; jaymdy@comcast.net
Subject: RE: Cameras for Prescott Building

Sandi,

Per our discussion...

During the Prescott configuration meeting I asked a number of times if they wanted to put cameras in the building now or in the future because I wanted know if I should wire for them and the answer was always no so I did not provide network drops for cameras.

RE: options for cameras at the Prescott Building

Here are some of my thoughts about cameras at the Prescott building.

- First define their intended purpose, surveillance, security, etc.

- Have a professional evaluate the property, get a quote with camera types and locations
 - Be prepared to answer a lot of questions
- Don't be surprised at the cost, may likely be 10s of thousands of dollars
 - DVR software and camera licenses are expensive
 - The quote just to upgrade the DVR hardware, software and camera licenses for the police station was \$11,633.56
- If you are getting quote You should also get options for the other buildings on the town green, library, community center and town hall
 - Joe may be interested in upgrading the library's system
- The system should be upgradeable and expandable
- The 'system-in-a-box' like what is in the Community center would be extremely problematic to install in the Prescott building

Regards,

John C DiTommaso

IT Director

Town of Lancaster

701 Main Street Suite 3

Lancaster, MA 01523

978-365-3326 ext 1308

From: Sandra Charton <SCharton@lancasterma.net>
Sent: Wednesday, August 4, 2021 6:17 PM
To: John DiTommaso <jditommaso@lancasterma.net>
Cc: Orlando Pacheco <OPacheco@lancasterma.net>; jaymdy@comcast.net
Subject: Cameras for Prescott Building

Hi John – I'm following up on our previous discussions about cameras at Town Buildings (both internal and external). Selectboard member Jay Moody asked me to follow up with you re: options for cameras at the Prescott Building. Can you provide your thoughts on this issue?

#10

Kathi Rocco

From: Jeff Nutting
Sent: Monday, February 28, 2022 7:40 AM
To: Kathi Rocco
Subject: FW: question
Attachments: Town of Cohasset Filming General Information Checklist (PDF).pdf

From: Ivria Fried <ifried@miyares-harrington.com>
Sent: Friday, February 25, 2022 3:02 PM
To: Jeff Nutting <JNutting@lanasterma.net>
Cc: Rian Holmquest <holmquest@miyares-harrington.com>; Alexandra Rubin <arubin@miyares-harrington.com>
Subject: Re: question

Hi Jeff,

I agree with your analysis. Other than a small permit fee (i.e., Film Permit and/or Street Closure Permit), the Select Board likely cannot impose additional fees in this case.

Legitimate fees are (1) "charged in exchange for a particular governmental service which benefits the party paying the fee in a manner 'not shared by other members of society'"; (2) "paid by choice, in that the party paying the fee has the option of not utilizing the governmental service and thereby avoiding the charge"; and (3) "collected not to raise revenues but to compensate the governmental entity providing the services for its expenses." *Emerson College v. Boston*, 391 Mass. 415, 424-425 (1984). Critical here is the third prong. If the production crew fully compensated for the Town for providing the street closure services, it is unclear how additional fees could be imposed.

If the Board's real concern is lack of oversight, I would suggest they adopt a permitting process relative to filming in Town or the closure of public ways. Such permits are common. For example, the Town of Cohasset uses the attached permit form for Filming Permits which requests contact information, insurance information, the type of equipment that will be used on location, activities that will be conducted in the course of filming, and necessary postings and closures. This form could then be signed off on by the Select Board and public safety officials. The Town could charge a small fee in exchange for the permit.

Please let me know if you have any questions about either of these options or would like any help putting together a permitting application.

Best,

Ivria Glass Fried

MiyaresHarrington - Local options at work

Miyares and Harrington LLP

40 Grove Street • Suite 190

Wellesley, MA 02482

Cell: 617.874.7948 | Office Direct Line: 617.804.2427 | Main: 617.489.1600

www.miyares-harrington.com

From: Jeff Nutting <JNutting@lancasterma.net>

Sent: Thursday, February 24, 2022 8:09 AM

To: Ivria Fried <ifried@miyares-harrington.com>

Subject: question

Good Morning Ivria,

The other day a film crew used a portion of a town street to film a car scene for a movie (The Boston Strangler). The detour plan was approved by the Chief and all cost associated with the detour were paid by the film company.

A member of the SB is suggesting in the future we should charge a film company a fee for using the public way. Given they covered all the cost I am hard pressed to see how we could charge for the use of a public way other than a small permit fee. Your thoughts would be appreciated

Thanks

Jeff Nutting

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Town of Cohasset, MA
Filming General Information Checklist

General Permit Information

Production Title: _____

Type of Production: Commercial; PSA; Documentary; Feature; Industrial Video; Music Video; Special Event;
Still Photo; Student; Miscellaneous; Other: _____

Production Company Information

Company Name: _____

Phone: _____

Fax: _____

Street: _____

City: _____

State: _____

Zip Code: _____

Insured Company Information

Company Name: _____

Phone: _____

Fax: _____

Street: _____

City: _____

State: _____

Zip Code: _____

Location Manager

Name: _____

Cell: _____

Office: _____

Fax: _____

E-mail: _____

Producer: _____

1st AD: _____

Location Assistant

Name: _____

Cell: _____

Office: _____

Fax: _____

E-mail: _____

Director: _____

Production Manager: _____

Description of Gunfire:

Special Effects

| Type | # Takes Per Day | # Times Per Take |
|---|----------------------|----------------------|
| <input type="checkbox"/> Breaking Glass | <input type="text"/> | <input type="text"/> |
| <input type="checkbox"/> Bullets/Squib Hits | <input type="text"/> | <input type="text"/> |
| <input type="checkbox"/> Bum Barrels | <input type="text"/> | <input type="text"/> |
| <input type="checkbox"/> Car Explosion | <input type="text"/> | <input type="text"/> |
| <input type="checkbox"/> Dust Hits | <input type="text"/> | <input type="text"/> |
| <input type="checkbox"/> Explosion | <input type="text"/> | <input type="text"/> |
| <input type="checkbox"/> Fire Ball | <input type="text"/> | <input type="text"/> |
| <input type="checkbox"/> Fire Bars | <input type="text"/> | <input type="text"/> |
| <input type="checkbox"/> Fire Effects | <input type="text"/> | <input type="text"/> |
| <input type="checkbox"/> Sparks | <input type="text"/> | <input type="text"/> |
| <input type="checkbox"/> Other | <input type="text"/> | <input type="text"/> |

Description of F/X scene:

Base Camp/Crew Parking

Base Camp

Location Type:

Address:

Crew Parking

Location Type:

Address:

Posted Parking/Closures

Posting "No Parking" signs: please indicate which side of the street: N/S-north side, E/S-east side, S/S-south side, W/S-west side, B/S-both sides

Town of Cohasset Contact Information

41 Highland Avenue
Cohasset, MA 02025
781-383-4100 x 101

Police Department

Chief William Quigley - 781-383-1055

Fire Department

Fire Chief – Robert Silvia – 781.383.6154

Harbormaster

Harbormaster – Lorren Gibbons -

Public Works

Dept. of Public Works Director – Brian Joyce - 781-383.4100 Ext. 120

Town Manager's Office

Christopher Senior – Town Manager – 781.383.4100 x 101 – csenior@cohassetma.org

Jennifer Oram – Assistant to the Town Manager joram@cohassetma.org

Tracey Connors – Executive Assistant to the Town Manager tconnors@cohassetma.org

March 3, 2022

To: Selectboard, Planning Board, Building Inspector, Community Development Director, Conservation Commission, DPW Director, Residences of Hawthorne Lane (Erin Smith)

From: Jeff Nutting, Interim Town Administrator

Subject: Hawthorne Lane Status

First this is a Planning Board issue. The Contractor needs to finish the Punch List and have the road and other outstanding issues complete so the Planning Board can release the Bond. This would allow the Planning Board to proceed with the hearing on the acceptance of the street and be put before the voters at a future Town Meeting. If at some point the Contractor fails to perform the work the Planning Board could take the Bond and then the Town would need to go out to bid for a contractor(s) to finish the outstanding work.

I have spoken about the issues with our Attorney regarding the Open Space Parcel and the Water Pump Station that is on said Parcel. The developer has recently informed the Town that they do not plan to pay any more property Tax on the land. This threat creates a potential issue, because we do not want to take the land in tax title and then become owner of a private pump station.

I have reached out to the owner three times, but I have not received a return call. I was going to propose that he finish the project and donate the land to the property owners with a deed restriction on the open space (not including the water pump station and water pipe area) so the owners can maintain the water pump station for their use while protecting the intent of the open space.

We all need to work towards the goals to complete this project, have the street completed and accepted, ensure the residents have control over the water station, and protect the open space.

We will continue to try and get the contractor to discuss completion of the project and transfer of the land.



**TOWN OF LANCASTER
BOARD OF SELECTMEN
POLICIES AND PROCEDURES**
With Amendments (rev. 10/5/2020)

APPOINTMENTS:

The Board makes numerous appointments each year. Appointments are generally made for one or three years in length. In no case shall appointments be made for more than three years unless specifically allowed by Town By-law or State statute. Appointments generally are made the first meeting in June of each year. In the case of appointments, no second to the nomination or motion will be required prior to Board action.

Whenever possible the Board will seek variety in backgrounds, interests, ages, sex and geographic areas of residents, so that a true cross section of the community will be reflected. In order to attract qualified and interested persons, vacancies will be made public thirty (30) days in advance of appointment as practicable. Vacancies could be advertised in the local paper as well as on Cable TV. Appointments should be based on merit and qualifications rather than political merit.

Nepotism Pertaining to Service on Boards and Committees:

Members of an immediate family defined as: spouse, son, daughter, father, mother, sister, brother, grandmother, grandfather, aunt, uncle, niece, nephew and the following in-laws: son, daughter, brother, sister, mother and father shall not serve together on the same Board or committee.

The Town Administrator will:

- a. Provide a list of the appointment vacancies to be filled by the Board at the first regular board meeting following the annual town elections in May.
- b. Notify the chairman of the appropriate board or committee requesting recommendations regarding reappointment or the filling of vacancies.
- c. Notify incumbents and request their statements of availability regarding reappointment.

All candidates seeking appointment for the first time to a position shall submit a short written statement or resume. This statement/resume shall be included in the Board agenda packet mailed in advance of the meeting. The Board may consider reappointments to positions at their pleasure. A statement/résumé will only be requested from a candidate seeking reappointment by specific request of a member of the Board.

The Board will interview candidates seeking an appointment for the first time to the following positions as well as all elected positions being filled due to a vacancy:

| | |
|-----------------------------|---------------------------|
| Agricultural Commission | Animal Control Commission |
| Board of Appeals | Board of Assessors |
| Cable TV Advisory Committee | Conservation Commission |
| Council on Aging | Cultural Council |



**TOWN OF LANCASTER
BOARD OF SELECTMEN
POLICIES AND PROCEDURES**
With Amendments (rev. 10/5/2020)

Disability Commission
Historical Commission
Town Forest Committee

Energy Commission
Recreation Commission

Elected position being filled due to vacancy require a joint roll call vote of the Board of Selectmen and the remaining Members of said Board/Commission where the vacancy exists.

Notice of candidates being interviewed shall be included in the agenda mailed to the Board. The Board may request that candidates for a position not listed above be interviewed. Those candidates not being interviewed will be considered upon receipt of a resume/statement.

Appointments will normally be made only when all members of the Board of Selectmen are present. Appointments will be made by a majority vote of the Selectmen.

ADVISORY COMMITTEES OF THE BOARD OF SELECTMEN:

The Board may appoint standing or ad hoc advisory committees to aid on matters under the Board's jurisdiction. The use of such advisory committees provides greater expertise and more widespread citizen participation in the operation of government.

Charges to advisory committees shall be in writing and shall include the work to be undertaken, the time in which it is to be accomplished and the procedures for reporting to the Selectmen. Each committee must report in writing at least annually to the Selectmen. The Selectmen's Office shall be sent copies of all committee agendas and minutes. The Board will discharge committees upon the completion of their work. In addition, each Committee shall be provided with a Committee Handbook addressing issues such as conduct and law.

The charges and membership of standing advisory committees shall be reviewed periodically -- at least annually -- to assess the necessity and desirability of continuing the committee. Re-appointments will be based on an evaluation of the member's contribution, the desirability of widespread citizen involvement and the changing needs of the committee and the town.

It is the policy of the Selectmen to appoint qualified citizens representing all sections of the town to all such advisory committees. The Board will normally appoint no individual to more than one standing advisory committee at any one time.

In order to attract qualified and interested persons, vacancies will be made public as far in advance of an appointment as practicable.

#14

BOARD OF APPEALS

TOWN OF LANCASTER, MASSACHUSETTS

MEMBERSHIP: 3 or 5 Members and 3 Alternates.

TERM OF OFFICE: Staggered terms of 5 years; Alternates for 1, 2, or 3 years.

STATUTORY REFERENCE: M.G.L.A. c. 40A, section 12; Zoning Bylaw.

| POSITION # | NAME | MAILING ADDRESS | TERM EXPIRATION DATE | NEXT TERM EXPIRATION | COMMENTS |
|------------|--------------------------|--------------------------------------|----------------------------|----------------------------|--------------------------------------|
| 1 | Jeanne G. Rich | 281 Mill St. Ext., Lancaster 01523 | 6/30/2024 | 6/30/2029 | Chair |
| 2 | Robert Alix | 61 Woodland Meadow Drive | 6/30/2024 | 6/30/2029 | From Assoc. to replace J. Meyer. |
| 3 | Francis G. Sullivan, Jr. | 394 Parker Rd., Lancaster 01523 | 6/30/2022 | 6/30/2027 | From Assoc. to fill R. Marshall term |
| 4 | Matthew J. Mayo | 13 Lee Street, Lancaster 01523 | 6/30/2023 | 6/30/2028 | Gulliver resigned unexpired term |
| 5 | David K. Stadtherr | 245 Langen Road, Lancaster, MA 01523 | 6/30/2023 | 6/30/2028 | |
| Alt 1 | Vacant | | 6/30/2024 | | From Member to Associate. |
| Alt 2 | Ryan Aldrich | 290 Neck Road, Lancaster 01523 | 6/30/2023 | 6/30/2026 | Replaced R. Baylis |
| Alt 3 | Vacant | | 6/30/2023 | | |

Johanna Meyer moved from Associate to Member to full member. Did not want to be reappointed term exp. 6/30/21

Scott Miller moved from Full Member to Associate - did not want to be reappointed 6/30/21

Matthew Mayo moved from Associate to Member - vacated by S. Gulliver

Robert Baylis resigned 1.29.2020 as Associate

Robert Alix moved from Associate to Full Member



**TOWN OF LANCASTER, MASSACHUSETTS
BOARD OF SELECTMEN
POLICIES AND PROCEDURES
BOARD RE-ORGANIZATION**

ORGANIZATION OF THE BOARD:

The Chairman shall be elected annually at the first regular meeting following the Annual Town Election. The Board at any time may remove the Chairman. A majority vote shall constitute an election. Nominations require no second. The immediate past Chairman shall preside as Chairman pro tem until the Chairman is elected. If there is no immediate past Chairman, the senior member in terms of current service shall serve as Chairman pro tem. In the case of members with the same amount of seniority, the member receiving more votes in the most recent election shall serve. If a vacancy occurs in the office of Chairman, the Board shall elect a successor. The Board shall further appoint a Clerk under the same provisions stated for the Chairman.

RESPONSIBILITIES OF THE CHAIRMAN:

The Chairman of the Board shall:

- 1) Preside at all meetings of the Board. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes and preside over the discussion of agenda items.
- 2) Sign official documents that require the signature of the Chairman.
- 3) Call special meetings in accordance with the Open Meeting Law.
- 4) Prepare agendas with the Town Administrator.
- 5) Arrange orientation for new members.
- 6) Represent the Board at meetings, conferences and other gatherings unless otherwise determined by the Board or delegated by the Chairman.
- 7) Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chairman.
- 8) Make liaison assignments and assign overview responsibilities for project and tasks to Board members unless otherwise determined by the Board.
- 9) The Chairman shall have the same rights as other members to offer motions and resolutions, to discuss questions and to vote thereon.

RESPONSIBILITIES OF THE CLERK:

The Clerk of the Board shall act in the place of the Chairman during his/her absence at meetings. Should the chairman leave office, the Clerk shall assume the duties of Chairman until the Board elects a new Chairman. The Clerk is to sign approved meeting minutes.



Sterling-Lancaster Community Television, Inc.
Butterick Municipal Building
1 Park St
Sterling, MA 01564

Executive Director
Matthew Downing

Access Manager
Melissa Jellie

Studio Coordinator
Emmanuel Ortiz

Production Coordinator
Victoria Straitt

Board of Directors
Richard Maki, Pres.
Robert Kadlec, V. Pres.
John Ledoux, Treas.
Tom Kennedy, Clerk
Greg Billings
Joe O'Connor
Doug Brown
Bob Govoni

Sterling-Lancaster Community
Television, Inc. is a 501(c)3
Organization established to
provide Public, Educational,
and Government programming
to the towns of Sterling and
Lancaster via Comcast
channels 8 and 99

February 3rd, 2022

Jason Allison, Chair
Lancaster Board of Selectmen
Prescott Building
701 Main Street
Lancaster, MA 01523

Re: Enclosed donation from SLCT

Dear Mr. Allison:

In appreciation for the use of the physical space in the Community Center for our broadcast transmission equipment and other support benefiting our cablecasting operations, SLCT would like to donate \$1,200 to the Town of Lancaster.

Our ongoing successful operations would not have been possible without the initial and continuing support of the Board of Selectmen. For that, we are sincerely grateful.

We look forward to a continued mutually fruitful partnership with the Town of Lancaster in providing public access television and media services to its' citizens.

Sincerely,

Richard Maki, President
Board of Directors
Sterling-Lancaster Community Television, Inc.

Enclosure

#17

VIII. APPOINTMENTS AND RESIGNATIONS



Town of Lancaster
Board of Appeals
Lancaster, Massachusetts 01523

January 28, 2022

Re: Board of Appeals Applicants for Open Alternate Member Positions

Lancaster Select Board

At the Board of Appeals January 27, 2022, meeting the Board discussed the two applicants Dennis Hubbard and Eric Jakubowicz. The Board is recommending that Eric Jakubowicz be appointed to the two-year term and Dennis Hubbard to the one-year term.

Jeanne Rich
Board of Appeals Chair

Kathi Rocco

From: jeanne rich <jeannegrinch@gmail.com>
Sent: Wednesday, January 19, 2022 9:17 AM
To: Kathi Rocco
Subject: Fwd: Zba

----- Forwarded message -----

From: jeanne rich <jeannegrinch@gmail.com>
Date: Sun, Jan 16, 2022 at 7:58 PM
Subject: Re: Zba
To: Eric Jakubowicz <jakubowicz.ej@gmail.com>

Thank you Eric. I will request you be appointed for the 2 year seat.

On Sun, Jan 16, 2022 at 7:37 PM Eric Jakubowicz <jakubowicz.ej@gmail.com> wrote:

Sorry jeanne not sure why it didn't go through. I will send it to you tomorrow soon as I get to my computer at work. I will send it to you. Thanks jeanne

Sent from my iPhone

> On Jan 14, 2022, at 10:00 AM, jeanne rich <jeannegrinch@gmail.com> wrote:

>

> Hi Eric

>

> If you are interested in the zba please send me your request asap. We have other people looking for the seats and I do not want you to lose your opportunity

>

> Jeanne

Dear Select Board,

I am writing to you to express my interest in volunteering for one of the open Zoning Board of Appeals Associate member positions currently posted on the town website. My wife and I have been a resident of Lancaster since 2003. Now that our children are within the school district, I feel that it's over long due to give back to the town that we have enjoyed for the last 20ish years. I am a mechanical engineer by education with over 20 years' experience developing products within the highly government regulated medical device industry. Although not currently a member of the construction business, I believe my all solutions also comply with government statutes and audit rigger are skill sets that will help make me a valuable and successful member of the Zoning Board of Appeals. Of the two active openings, my preference would be for nomination to the two-year term, however I'd be happy to serve which ever term the Select Board prefers. I'm happy to meet in person or over the phone to address any questions you might have.

Thanks, you for your consideration.

A handwritten signature in blue ink, appearing to read "Dennis Hubbard Jr.", written in a cursive style.

-Dennis Hubbard Jr.
258 Grant Way
978.239.6249

From: Eric Jakubowicz
Sent: Monday, January 17, 2022 11:21 AM
To: jeannerich@gmail.com
Subject: Zba

To Lancaster Zoning Board of Appeals,

My name is Eric Jakubowicz. I have lived in the town of Lancaster for 44 years and am interested in a position on the board of appeals. The zoning board of appeals fits in with my schedule so that I think that I can help out and be of use to the town. Thank You Eric Jakubowicz

Eric Jakubowicz
Purchasing & Sales
[Brookside Equipment Sales](#)
60 State Rd Phillipston, MA 01331
Cell: 508-328-4827
Office 978-249-4600

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Please forward this to the board members. My comments to Kathi Rocco are below. If the board agrees or disagrees please have them get back to you tomorrow as the BOS are meeting Wednesday.

Thanks,

jeanne

----- Forwarded message -----

From: Eric Jakubowicz <eric@brooksideequipment.com>

Date: Mon, Jan 17, 2022 at 3:29 PM

Subject: Zba

To: jeannegrinch@gmail.com <jeannegrinch@gmail.com>

Hi Kathi,

I have attached the request from Eric Jakubowicz to be appointed to the ZBA. I would recommend that he be appointed to the 2 year seat. Eric is familiar with the town as he currently serves on the agricultural committee. He is also familiar with zoning from his position with the Bolton Fair and 20+ years in construction. I have not consulted with the other board members on these applications but will ask Deb for feedback from them.

Thank you,

Jeanne Rich

Eric Jakubowicz
Purchasing & Sales
[Brookside Equipment Sales](#)
60 State Rd Phillipston, MA 01331
Cell: 508-328-4827
Office 978-249-4600

Kathi Rocco

From: Jason A. Allison
Sent: Tuesday, January 25, 2022 5:50 AM
To: Dennis
Cc: Kathi Rocco; Jeff Nutting
Subject: Re: Volunteer Opportunities-Zoning Board of Appeals Associate Member

Hi Denis,

Thank you for reaching out. I'm sorry for this situation. I have cc'd our Town Administrator Jeff Nutting so we can try to resolve this situation.

I can say the process of appointments never seems to be smooth. That's not an excuse for this situation. It's more that all of us in the town want it to go smooth, but it never seems to be that simple for us. I'm general I think it's a challenge for volunteer boards to be seamless in the process. I know from my perspective personal lives often get in the way of efficiency. I am always trying to improve on this front.

Regardless, the Select Board and town office will work with the ZBA to help move this forward in a more timely manner.

Thank you again,
Jason

On Jan 24, 2022, at 5:52 PM, Dennis <pi1319@hotmail.com> wrote:

Jason

Hope all is well. I wanted to follow up on my application for one of the two open positions on the ZBA. Can you please elaborate on the tabling of my nomination and what the process may be moving forward. Since there are currently two open positions listed on the Town's vacancies page, I was surprised that the addition of a second candidate would delay the fulfillment of the first position. I was further surprised that during the SBM last Wednesday you mentioned that the ZVA would like to interview a new candidate before making a recommendation. This was especially shocking as no member of the ZBA has engages win any conversations with me informal or formal since my application was submitted. And I had only had one email exchange with Jeanne back in December when I reached out express interest in contributing to the ZBA and inquired on qualifications. As stated in my letter of application, I'm happy to meet in person/by phone to discuss my qualifications or answer any questions. I know last week's meeting was long and that the boards has a lot on the agenda, bit I's also like to recommend that next time a candidate is up for consideration, that a representative of the board let them know that their nomination approval is on the agenda (I only fond out when the Agenda was posted and had to scramble to become available). The town is in need of volunteer's so it's a shame when we don't take the opportunity to welcome new faces.

This is also an opportunity to add the perspective of a long- time resident that was lived in both South and North Lancaster.

Please share with the Select Board

Sincerely
-Dennis Hubbard
258 Grant Way

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