



LANCASTER SELECT BOARD
Special Meeting Agenda
Prescott Building – Nashaway Room
Monday, September 12, 2022
6:00 P.M.

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

I. CALL TO ORDER

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

This Meeting Will Also Be Held Virtually at:

Join Zoom Meeting

<https://us02web.zoom.us/j/84677934704>

Meeting ID: 846 7793 4704

One tap mobile

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+13126266799,,84677934704# US (Chicago)

Dial by your location

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+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

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+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 386 347 5053 US

+1 564 217 2000 US

+1 669 444 9171 US

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Meeting ID: 846 7793 4704

Find your local number: <https://us02web.zoom.us/j/84677934704>

Residents Have the Ability to Ask Questions via ZOOM.

II. APPROVAL OF MEETING MINUTES

Review and take action on the following Select Board's Meeting Minutes of August 16, 2022

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE

IV. JOINT MEETING WITH THE PLANNING BOARD

In accordance with M.G.L. c. 41, §11, the Lancaster Select Board, and the remaining members of the Lancaster Planning Board, shall discuss and appoint **two individuals** to serve on the Lancaster Planning Board to fill two seats vacated by Mrs. Carol Jackson and Mr. Roy Mirabito on August 16, 2022. The appointment is effective immediately, once the member is sworn into office by the Town Clerk, and shall continue until the Town's next annual election, or until another is qualified



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V. PUBLIC COMMENT PERIOD

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

VI. TOWN ADMINISTRATOR REPORT

- Recruitment Updates
 - Health & Human Services
 - Health & Human Services Director, hired Kelly Dolan
 - Outreach & Activities Coordinator, moving to 1st round interviews
 - Recreation Coordinator, application window closes 9/23
 - Planning & Land Management
 - Administrative Assistant, offer pending
 - Assistant Planning Director/Conservation Agent, offer pending
- FY23 Budget Updates – Preview Meeting Scheduled for Saturday, Nov. 12, 2022, beginning at 8 am
- Other Department or Town-Wide Updates

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

1. Discussion regarding Special Town Meeting & Closure of Town Meeting Warrant
2. Spectacle Pond Avenue – Citizen's request for services & clarity on road status
3. Public Records/FOIA Request Discussion/Policy Draft (Turner)
4. Discussion & Coordinator for Joint Meeting with Finance Committee – ARPA Spending
5. Declaration of Constitution Week – September 17th- 23rd, 2022, Proclamation

VIII. APPOINTMENTS AND RESIGNATIONS

Appointments

Conservation Commission - **Erin Callanan** term to expire on June 30, 2025

Resignations

Thayer Memorial Library Trustee: Frank MacGrory effective September 1, 2022

Community Preservation Act Committee: Pete Christoph effective August 16, 2022

Nashoba School Committee: Lancaster Representative Shawn S. Winsor

Cultural Commission: Ann Fleury & Pete Christoph effective immediately

IX. LICENSES AND PERMITS (Vote may be taken)

- Special (One Day) Liquor License Application for Beer & Wine
Applicant: Allison Mannette
Organization: American Cancer Society
Event: Bicycles Battling Cancer Cycling Fundraiser
Event Date: Saturday, September 24, 2022, from 7am-4pm
Location: 132 Fort Pond Inn Road, Lancaster



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- Special (One Day) Liquor License Application for All Alcohol
Applicant: George Frantz
Organization: First Church of Christ, Unitarian
Event: Community Craft Fair, Fund Raiser
Event Date: October 1, 2022, from 10am – 4pm (plus set & clean up)
Location: First Church of Christ, Unitarian
- Application For Use of Town Green /Gazebo
Applicant: Thayer Memorial Library
Event: Program on therapy animals, featuring a mini-horse and mini-donkey
Event Date: Thursday, October 6, 2022, from 3:00pm – 4:30pm

X. NEW BUSINESS *

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

XI. COMMUNICATIONS

- Select Board's pre town meeting will be held on September 27, 2022, at 6pm at the MRE Auditorium
- Special Town Meeting will be held on Tuesday, September 27, 2022, 7:00pm at the Mary Rowlandson Elementary School Auditorium.
- Miscellaneous Correspondence & Memorandums

XII. ON GOING PROJECTS & OLD BUSINESS

- Audit Committee (Turner)
- Division of Capital Asset Management and Maintenance Property (Turner)

XIII. EXECUTIVE SESSION

The board will enter Executive Session pursuant to M.G.L. c.30A §21(a)(3) to discuss litigation strategy re: A. Turner's DUA appeal, as an open meeting may have a detrimental effect on the litigating position of the Select Board, and not to convene in open session thereafter.

XIV. ADJOURNMENT

II. APPROVAL OF MEETING MINUTES



**LANCASTER SELECT BOARD
Special Meeting Minutes
of Tuesday, August 16, 2022**

Nashaway Meeting Room, 2nd Floor, Prescott Building, 701 Main Street, Lancaster MA

I. CALL TO ORDER

Chairman Stephen J. Kerrigan called the meeting to order at 6:07PM in the Nashaway Meeting Room located on the second floor in the Prescott Building, 701 Main Street, Lancaster, MA. He advised that the meeting was being recorded via ZOOM, and is being broadcast by Sterling Lancaster Community Television. He also noted that this is considered a Special Meeting because it is being held on a Tuesday.

Join Zoom Meeting: <https://us02web.zoom.us/j/89627147463>

Meeting ID: 896 2714 7463

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

Before beginning the agenda, Mr. Kerrigan wanted to address a couple of items. First he extended thanks to the department heads for the incredible work they do, and to all the volunteers who support the Town. He then thanked the three people who have resigned from the Planning Board, Roy Mirabito, Carol Jackson, and Peter Christoph, stating that he was grateful for their service. He stated that there are times when we do not all agree on issues, but service is important to the community. Finally, Mr. Kerrigan gave thanks to Jan Gottsman, who will no longer be at the Clinton Item after 35 years, noting that she is one of the most talented and dedicated people he has ever worked with, and that bringing the news truthfully and unvarnished to the community is important.

II. APPROVAL OF MEETING MINUTES
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Mr. Kerrigan asked for a motion to approve the minutes of August 1, 2022. Ms. Turner offered this motion, seconded by Mr. Allison. Ms. Turner submitted a change relative to the Council on Aging membership, amending the motion to accept the minutes as amended. Mr. Allison seconded the amendment. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

Police Chief Everett Moody and Fire Chief Michael Hanson – Updates to the Community & Select Board regarding the LIV Golf Invitational scheduled to begin Friday, September 2nd and run through Sunday, September 4th at the International Golf Club in Bolton. Parking and Shuttle Services to and from the event will be in Lancaster.

Mr. Kerrigan recognized Police Chief Everett Moody and Fire Chief Michael Hanson. Chief Moody explained that the LIV Golf Invitational is scheduled as described above. Parking is limited to 5,500 spectators. They anticipate 2,000-2,300 cars arriving as early as 9am and departing as late as 10pm over the three day event. This would be comparable to a Friday or a Sunday at the Bolton Fair. Some traffic delays may occur, but with assistance from the Massachusetts State Police, should be manageable. Busses will be used to transport spectators back and forth to the event. Private security will be present with wand metal detectors. State Police Canine teams will also be present. Surveillance cameras and on-site police presence will be at the event. Chief Moody reviewed the bus route; he has requested that the event organizers put up “No Parking” signs along the route, similar to the ones used for the Bolton Fair.

Chief Moody stated that some protesters and demonstrations are expected relative to the tournament’s connection to the Saudi Arabian government. A “Free Speech Zone” has been established across from the parking area. Because of this there has been an exceptional amount of pre-planning, creating an Emergency Action Guide, with actions identified for a wide range of contingencies. A copy of this Guide will be forwarded to the Select Board. Chief Moody encouraged residents with questions to contact himself or Chief Hanson. Chief Hanson noted that there are other community activities that weekend, including soccer tournaments, a car show at Kimball’s, and another golf tournament for FC Stars in Stow. Staffing will be at LIV’s expense.

Mr. Kerrigan explained the “Free Speech Zone” and why it would be located near the parking area. Chief Hanson explained that the entry to this event is through the parking area; no walk in traffic will be allowed; a “Code Red” message will be sent to citizens. There will be a parachuter (and therefore an aircraft) each day to start the tournament. The tournament will have a “shotgun” start; there will be a “Fan Village” at the end with food and entertainment. Mr. Allison made a statement, fearing for the future of Lancaster and it’s security. He is unhappy that this event is happening in another town, with Lancaster bearing much of the work for no return. Ms. Turner stated that Ms. Hodges wrote an excellent letter to the tournament organizers, and she thinks that Lancaster should reap more of the rewards. She suggested that Lancaster look at the town of Brimfield to understand how the town can benefit from events.

Ms. Turner suggested that the Board should discuss at a later date, a policy governing who could protest or appear in Lancaster, stating that right now the “Klan” could meet in Lancaster. Mr. Kerrigan cautioned that this could interfere with First Amendment rights. Ms. Hodges received a call late today from the tournament organizers, who emphatically told her that the Town of Bolton is receiving no compensation, although local civic and nonprofits would benefit, including RFK in Lancaster. The organizers will send some documentation explaining this to the Board.

Mr. Kerrigan noted that some online meeting attendees report volume issues with this meeting; Mr. Allison is on Zoom and reports that he can hear.

IV. BOARDS, COMMITTEES AND DEPARTMENT REPORTS - NONE

V. PUBLIC COMMENT PERIOD

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

Mr. Kerrigan noted that Planning Board resignations will be discussed later in the meeting, and public comment on this topic will be entertained then.

Mr. Kerrigan recognized Rob Zidek, 103 Kaleva Road. Mr. Zidek spoke about opportunities and risks associated with the zoning articles scheduled for an upcoming Town Meeting, following a call to DHCD (Department of Housing and Community Development).

Mr. Kerrigan recognized Cara Sanford, 350 Bull Hill Road. Ms. Sanford wanted to thank Roy Mirabito, Carol Jackson, and Peter Christoph “for looking after the neighborhoods, and the environment, in their work. It mattered and thank you.”

Mr. Kerrigan recognized George Frantz, 13 Highfield Drive. Mr. Frantz spoke about the LIV Golf Tournament, understanding that Lancaster’s involvement is primarily in terms of public safety. He stated that the tournament organizers are an “unsavory” group, funded by and vetted by the Saudi Royal Family. He expects that there will be many protestors and hopes that there will be a safe and secure place for demonstrators to show signs. Mr. Kerrigan explained that Federal judges have ruled that demonstrators must be allowed to be in an area seen and heard by all attendees, and that this is why the zone has been established at the Lancaster Fairground parking area. Mr. Frantz continued, saying that there is a high level of toxicity in Lancaster’s town government, and that he will speak to the Planning Board resignation later.

VI. TOWN ADMINISTRATOR REPORT

1. Recruitment Updates

- Health & Human Services
- Planning & Land Management
- Town Clerk

Ms. Hodges advised that the Health and Human Services Director position has received 36 applications, a very healthy amount. First interviews happened in the past two weeks. Both chiefs, Chairman Kerrigan, and the Chair of the COA Board, along with Ms. Hodges, conducted nine interviews. This week will be the next round of interviews with Joe Mule,

Library Director, Cheryl Gariepy, Finance Director, and Jeff Pastor, Chair of the Board of Health. Hopefully an offer will be made in the next week or two.

Roy Mirabito, Conservation Chair, Jasmin Farinacci (Director of Planning and Community Development), and Ms. Hodges have discussed why solicitations for Planning and Land Management position have not resulted in a hire. It was agreed that the job description would be changed to include both some Conservation and Assistant Planning Director roles. This has resulted in several inquiries. The Office Manager position for Planning and Community Development position has resulted in 48 applications to date.

In the Town Clerk role, there have been no applicants from certified Town Clerks. This is not necessarily a prerequisite, although it would be nice, especially with the Primary Election coming up and many new rules around absentee ballots. The Interim Town Clerk has agreed to stay at least through the election.

Ms. Turner expressed concern that she had not been made aware of some of these open positions, and that she learned about them through an MMA (Massachusetts Municipal Association) email. She noted that of these positions, the only one statutorily required is the Town Clerk, and she is concerned about the budget. Ms. Turner would like the position posted again, noting that it would be hired after the election. Mr. Allison stated that the Board had given hiring responsibility for these positions to the Town Administrator. Ms. Hodges noted that the positions advertised are budget neutral; she would like to wait until after the election to post the Town Clerk's position again, since right now Town Clerks are focused on voting by mail.

2. PJ Keating Peer Review – Set next meeting date, review supplemental peer review letter

The supplemental peer review letter is included in the Board's packet, and the Board needs to determine the meeting schedule. It was agreed that the meeting should be as inclusive as possible rather than having multiple meetings.

3. Discussion regarding requests to conduct Town Business on weekends: Town Meeting preview session(s) and/or Town Meeting

Ms. Hodges reported that she has been meeting with the Finance Committee, and one item that has come up is the idea of a Preview Meeting before Town Meeting. They have entertained the idea about having meetings on Saturdays. This was suggested as a way for more people to attend, but this may pose a problem for the Seventh Day Adventist community. Mr. Kerrigan thinks that a working meeting for boards might make sense, although perhaps not holding a Town Meeting or an election on a Saturday. Ms. Turner thinks that if it's a recorded working session, those not able to attend could watch it later and still voice their opinion. Mr. Allison is in favor of using Saturdays and would welcome citizen input. Ms. Hodges will work to set a date with Finance Committee Chair Sue Smiley.

4. ARPA (American Rescue Plan Act) Funding Update (Town Administrator's Memo)

Ms. Hodges provided the Board with a memo itemizing ARPA spending to date, and she has included an existing contract for ARPA consulting. Once all monies are received, Lancaster will have received about \$2.4 million, with about \$1.75 million left. Ms. Turner would like more information on the ARPA consultant and scope of work that they were tasked with, and what work has been done. She would like to see the plan that this consultant developed.

VII. ADMINISTRATION, BUDGET, AND POLICY
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1. Discuss and Set Date for Special Town Meeting

There was supposed to be a meeting tomorrow evening regarding zoning changes, followed by a Special Town Meeting a few weeks later. Due to the resignation of three Planning Board members, tomorrow night's meeting has been cancelled. Mr. Kerrigan suggested scheduling this hearing on August 29, with the report back to the Select Board by September 9, with a September 27 Special Town Meeting, with a Special Select Board meeting one hour prior.

The dates that the Warrant for the Special Town Meeting need to be open and closed, needs to be determined.

Mr. Kerrigan stated that it is critically important for the Select Board to help appoint at least one member to the Planning Board so that they have a quorum. This must take place at least one week after the vacancies (today) per Massachusetts General Law (MGL). Mr. Kerrigan would like to have a hybrid meeting next Tuesday, August 23, at 9:00am, to appoint at one Planning Board member. Mr. Kerrigan noted that not long ago there were three excellent candidates for an opening; he would like to ask Ms. Hodges to reach out to those candidates to see if they are interested. Additionally, Ms. Hodges will post for two more Planning Board members with applications or letters of interest due by September 12. Next May's election will include four Planning Board openings, with staggered terms.

Ms. Turner had questions about the Special Town Meeting and the conceptual plans. Mr. Kerrigan has asked Ms. Hodges to present the zoning changes at the hearing, representing the Select Board. Ms. Turner would like to discuss the zoning changes.

Mr. Kerrigan recognized Rob Zidek, 103 Kaleva Road, who had questions about the Planning Board candidates.

Ms. Turner wanted to know which of two conceptual plans would be presented at the hearing.

2. Discuss and set date/time for Special Town Meeting Preview Meeting/Forum

This would be an unbiased presentation of the facts of what people would be voting on at the Special Town Meeting. This would happen a week or two before Special Town Meeting. The presenters would be neutral parties. This would be an information session, not a debate. Mr. Allison disagrees with any assertion that he might be biased. Mr. Kerrigan stated that it was

just that the desire is to have an unbiased discussion. Ms. Turner recollects that when this was discussed in the past it was agreed to send a card or written piece with information to all residents, and she thinks this would be helpful, if not mailed, printed and left in areas where people could pick them up. Mr. Kerrigan disagreed. Ms. Turner would like a third party to analyze the concept plan to decide what is best for the town, according to criteria developed by the Select Board. Mr. Allison stated that there have been a tremendous number of people working on this and adding a third party would not be helpful. Ms. Hodges noted that there is only one concept plan, dated July 29, with very small changes from the plans submitted in May and June. Ms. Turner would like to see the cost study broken down and wants to know when the MOU committee will have their final report. Mr. Allison reported that the MOU is about 95% done and he has every expectation that it will be done in plenty of time to for people to review.

3. Review and take action on the Warrant for the 2022 State Primary to be held on September 6, 2022, in the Town Hall, 695 Main Street, from 7:00 A.M. to 8:00 P.M.

Ms. Turner offered a motion to execute the Warrant as printed for the State Primary to be held on September 6, 2022, in the Town Hall, 695 Main Street, from 7:00am-8:00pm, with a proxy signature for Jason Allison by Kate Hodges. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

4. Liaison Discussion and Assignments (Town Administrator's Memo)

Tabled to a later agenda.

5. Delegation of certain Personnel-Related Authorities to the Town Administrator (Kerrigan)

Mr. Allison moved to appoint and remove town employees for whom the Select Board acts as appointing authority. Such appointments/terminations will be deemed effective at least one day after providing written notification of said appointments to the Select Board by the Town Administrator and barring a majority vote of the Select Board rejecting the same. Ms. Turner seconded for discussion. Mr. Allison said that he has every confidence in Ms. Hodges. Mr. Kerrigan stated that this will allow Ms. Hodges to do the job she has been hired to do. Ms. Turner states that Ms. Hodges is very capable, but this level of authority would belong to a Town Manager. Ms. Turner would like to table this motion or will vote no. Ms. Turner is concerned that it is not in her packet and that she was not appropriately informed; Mr. Kerrigan pointed out that it has been in previous packets. *Vote taken, Alexandra W. Turner, No; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [2-1-0]*

6. Select Board Gift Acceptance Policy (Town Administrator's Memo & Draft Policy)

Ms. Hodges included a draft of this policy in the Select Board packet; she explained that establishing a gift fund might be the first step towards a "Community Chest" or "Friends Fund" as it is called in neighboring towns. Ms. Turner mentioned that there are existing gift accounts; Ms. Hodges explained that these were not set up legally, but that this policy would

correct that. In response to Ms. Turner's questions, Ms. Hodges explained the exceptions for Conservation Commission and Historic Commission. Ms. Turner moved to adopt the Select Board Gift Acceptance Policy as presented. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

7. Requests/FOIA (Freedom of Information Act) Authority (Turner)

Ms. Turner stated that we have had a lot of FOIA requests and Open Meeting Law complaints, and they have become burdensome to staff. She thinks it is important that if these come in that there is a policy about how they are dealt with. Ms. Hodges explained that the policy is Massachusetts General Law, and there are internal processes for dealing with that. She explained that Kathi Rocco keeps a database, and that as recently as yesterday's staff meeting, staff has been reminded that all records requests must be reported to Ms. Rocco. The Town has received 238 requests in 18 months. Ms. Turner thinks it would be helpful to list what the FOIA is and what the work product is, like is done in Pepperell and Clinton, so that people were less inclined to weaponize them. Mr. Kerrigan asked to clarify if Ms. Turner would like to publish the results of every FOIA request. Ms. Turner said yes, this would be helpful. Mr. Kerrigan stated that this would be more burdensome to staff and that the town currently meets state requirements. He suggested that if Ms. Turner would like to change policy, then she should write and present it at a future meeting. She stated that she will do so.

8. Review and discuss July 18, 2022 Open Meeting Law Complaint filed by Russ Williston

The complaint has been addressed; the town is waiting for response from the Attorney General's office. Another complaint has been filed against the Planning Board, but after this agenda was set.

9. Discuss next steps, authorization, and processes relative to Recall Petitions received on August 10, 2022, by Interim Town Clerk James Mullen

Mr. Kerrigan read into the record a letter from the two Planning Board members following the resignation of three Planning Board members. This was discussed previously.

VIII. APPOINTMENTS AND RESIGNATIONS
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Appointments:

Discussion on Council on Aging Board – Member verification and appointments

At the August 1 meeting, the Board reviewed Council on Aging (COA) membership, and there was some confusion. The results are found in the Select Board packet for this meeting. There is one opening of five, with two years to remain in the term. This position will be posted.

MART (Montachusett Regional Transit Authority) Area Representative – Alexandra Turner, term to expire June 30, 2022

Mr. Allison moved to appoint Alexandra Turner as MART Area Representative, term to expire June 30, 2023. Mr. Kerrigan seconded. *Vote taken, Alexandra W. Turner, Abstain; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [2-0-1]*

IX. LICENSES AND PERMITS

1. Application for Public Entertainment on Sundays

Applicant: Mark Keenan, President of Tyrods Car Shows

Event: Tyrods Car Show, to be held on Sunday, September 11, 2022, from 9:00am-6pm, located at Lancaster Fairgrounds, 318 Seven Bridge Road.

Ms. Turner moved to grant a Public Entertainment permit (Sundays) to Mark Keenan, Tyrods Car Shows, for the Tyrod Car Show, September 11, 2022, from 9:00am to 6:00pm at the Lancaster Fairgrounds, 318 Seven Bridge Road. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

2. Application for Special (One Day) Liquor License Application – Beer and Wine

Applicant: Rose Darden, Manager of Bolton Fair, Inc.

Event: Tyrods Car Show, to be held on September 11, 2022 (Load September 9, 2022)

Ms. Turner moved to approve a Special (One Day) Liquor License – Beer and Wine, to Rose Darden, Manager of Bolton Fair, Inc., for the Tyrods Car Show to be held on September 11, 2022 (Load September 9, 2022). Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

3. Application for Public Entertainment on Sundays

Applicant: Peter Quick, Event Director

Event: British Motorcycle Show & Swap Meet to be held on Sunday, September 18, 2022, from 6:00am-6:00pm, located at Lancaster Fairgrounds, 318 Seven Bridge Road.

Ms. Turner moved to grant a Public Entertainment permit (Sundays) to Peter Quick, Event Director, for the British Motorcycle Show and Swap Meet, September 18, 2022, from 6:00am to 6:00pm at the Lancaster Fairgrounds, 318 Seven Bridge Road. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

4. Application for Public Entertainment (Weekdays and Sundays)

Applicant: Michelle Palmer and Rose Darden, Managers of the Bolton Fair, Inc.

Event: The Profound Market, from September 24 – September 25, 2022 (Saturday 8:30am-5:00pm; Sunday 10:00am-5:00pm) located at Lancaster Fairgrounds, 318 Seven Bridge Road.

Ms. Turner moved to grant a Public Entertainment permit (Weekdays and Sundays) to Michelle Palmer and Rose Darden, Managers of the Bolton Fair, Inc., for The Profound Market, from September 24 – September 25, 2022 (Saturday 8:30am-5:00pm; Sunday

10:00am-5:00pm) located at Lancaster Fairgrounds, 318 Seven Bridge Road. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

5. Application for Special (One Day) Liquor License – All Alcohol

Applicant: Rose Darden, Manager of Bolton Fair, Inc.

Event: The Profound Market, from September 24-September 25, 2022 (Load in September 23, 2022), located at Lancaster Fairgrounds, 318 Seven Bridge Road.

Ms. Turner moved to grant a Special (One Day) Liquor License – All Alcohol, to Rose Darden, Manager of Bolton Fair, Inc, for The Profound Market, from September 24-September 25, 2022 (Load in September 23, 2022), located at Lancaster Fairgrounds, 318 Seven Bridge Road. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

X. NEW BUSINESS

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

Ms. Turner serves on the Restoration Advisory Board (RAB). They have just had their quarterly meeting. They met with the Army regarding SuperFund sites and in particular, water quality. The Harvard Board of Health is working with RAB to test private wells. Ms. Turner states that Harvard has received money for this, but Lancaster does not have as many wells, although residents of North Lancaster might be concerned. Mr. Kerrigan suggested having someone from the Army come to a future meeting.

Ms. Turner also noted that in the recent legislative session the housing requirements re. MBTA were greatly reduced, and this should be discussed at a future meeting.

XI. COMMUNICATIONS

- Town Offices will be closed on Monday, September 5, 2022, in observance of Labor Day.
- 2022 State Primary will be held on Tuesday, September 6, 2022, at the Town Hall, 695 Main Street, from 7:00am-8:00pm.
- Mr. Frelick, re. sidewalks

XII. ONGOING PROJECTS

- Audit Committee
- DCAMM (Division of Capital Asset Management and Maintenance) ; Mr. Kerrigan will arrange for an introduction to Dan Rivera, CEO of MassDevelopment.

XIII. ADJOURNMENT

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

Respectfully submitted,

Kathleen Rocco
Executive Assistant

Approved and accepted,
Alexandra W. Turner, Clerk

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

IV. BOARDS, COMMITTEES & DEPARTMENT REPORTS

Candidate Questions:

Previous questions:

1. Who do you feel you are representing as a member of the Planning Board?
2. What do you believe to be the most important quality in a Planning Board member?
3. What is the greatest strength you will bring to the Planning Board?
4. Do you believe data can contribute to how Lancaster approaches its permitting process? If yes, in what ways?
5. The Massachusetts Municipal Association has a guidebook on permitting best practices. How could or should this be leveraged in Lancaster?
6. What are some of the proactive measures the Planning Board could take with the Housing Trust to move forward in smart ways?

New questions:

How much time are you willing and able to put into this position? Are you available for meetings at least twice a month, plus hearings, that start at 7 PM and may go until after 10? Do you also have enough time available time to do the significant homework required to be an active member of the Board, including fully reviewing all applications and coming to meetings with comments and questions?

What experience do you have with real estate, especially land planning? What specific skills? Please be specific.

What legal experience do you have, if any?

What is your level of computer skills, especially with GIS and Microsoft's Office suite? Please be specific.

Steve Kerrigan
Chairman of Selectman Board
Town of Lancaster

August 29, 2022

Dear Steve,

My wife, Sharon, and I have lived in Lancaster for over 20 years. I am now in the position where I can give back to the town by volunteering for one of the open positions on the Planning Board. I support growth and expansion of the tax base in the town, but it should be good for the town and with a balanced approach to traffic and town service costs.

I would like to be considered for one of the open Planning Board positions. I have over 40 years' experience in managing residential energy efficiency programs in Massachusetts. I also studied Rural Planning while at college. I am presently a part time energy efficiency consultant, so I have time to give to be on the board to help move the town forward.

Thank you,

Carl Fawcett
472 Harvard Rd, Lancaster MA
508-326-3835

Kathi Rocco

From: Regina Brown <reginabrown3680@gmail.com>
Sent: Wednesday, August 31, 2022 12:12 PM
To: Kathi Rocco
Cc: Selectmen
Subject: Letter of Interest for Planning Board, Lancaster MA

Attn: Kathleen Rocco

Please consider this email as a letter of interest regarding appointment to the Planning Board.

Personal Information:

Residence of 198 High Street Ext, in Lancaster

Raised in Bolton MA, moved to Clinton in 1987, followed by a move to Lancaster in 2011; mailing addressed changed in 2019.

Own & manage rental property in the town of Clinton.

Education:

Nashoba Regional High School.

Mount Wachusett Communication College: Degree in Electronic Engineering

Certified in Project Management

Career history:

1990 – Present	Deluxe Corporation	Current role: Supply Chain Operations Principal
2012 – Present	Town of Lancaster, MA	Matron for the Lancaster Police Department – on call position
1984 – 2013	Town of Lancaster	911 Emergency Dispatcher - part time/on call

Volunteer affiliations:

Auxiliary , Lancaster MA Fire Department

What I can offer the board is my strength in being highly motivated and drive for results; strong ability to see opportunities for synergy and integration.

Thank you in advance for your consideration.

Regina Brown

198 High Street Ext.

Lancaster, MA 01523

reginabrown3680@gmail.com

978-407-3680

Kathi Rocco

From: Contact form at Lancaster MA <cmsmailer@civicplus.com>
Sent: Sunday, September 4, 2022 5:43 PM
To: Kate Hodges
Subject: [Lancaster MA] Planning Board seat (Sent by Phil Lawler, philipflawler@gmail.com)

Hello KHodges,

Phil Lawler (philipflawler@gmail.com) has sent you a message via your contact form (<https://www.ci.lancaster.ma.us/user/5191/contact>) at Lancaster MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.ci.lancaster.ma.us/user/5191/edit>.

Message:

After serving for more than 13 years on the Planning Board, and becoming its chairman, I resigned a couple of years ago because I could foresee a very frustrating period in the town's political development. I'm hopeful that the frustration has now played itself out, and we can make some progress toward responsible development. Toward that end-- because I think the work is now absolutely essential to the welfare of the town-- I would like to return to work on the Planning Board.

We need to make some progress in development-- not only on McGovern Boulevard, but on some of other projects (notably rezoning around AUC and Main Street in South Lancaster) that have been neglected.

As things stand, unfortunately, the Board has no members with experience in the process, and I think my familiarity with the work would be a great benefit to the Board.

I'll be happy to answer questions you might have.

Kathi Rocco

From: George Paglia <pagliageorge@gmail.com>
Sent: Tuesday, August 30, 2022 10:56 AM
To: Kate Hodges
Cc: Stephen J. Kerrigan; Jason A. Allison; Alexandra Turner; Frank Streeter; electkendrad@gmail.com; Jasmin Farinacci
Subject: Re: Planning Board Seat

Hi Kate,

Thank you for your response. Unfortunately I will be out of the country on the 12th. Given the time the meeting would begin I would not be able to make it. Is it possible for another time before the 12th or after the 17th that I could possibly attend?

I much appreciate your time and help in this matter.

Best regards
George Paglia

Sent from my iPhone

On Aug 29, 2022, at 5:14 PM, Kate Hodges <KHodges@lanasterma.net> wrote:

Good Evening Mr. Paglia,

Thank you for your interest in being appointed to the Planning Board. I am copying the members of the Select Board and the Planning Board, so they are aware of your interest as well. Please be advised that both boards will have a joint meeting on 9/12 where they plan to hear from interested parties about the appointments for the open planning seats, there are two. If you can plan to attend, the meeting will be in person and via zoom.

Please let me know if you need anything else on this.

Kathi, please add Mr. Paglia's letter of interest to the agenda and packet for the 12th.

Thanks, All.

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

From: Contact form at Lancaster MA <cmsmailer@civicplus.com>
Sent: Monday, August 29, 2022 4:46 PM
To: Kate Hodges <KHodges@lanasterma.net>
Subject: [Lancaster MA] JOIN LANCASTER PLANNING BOARD (Sent by George Paglia, pagliageorge@gmail.com)

Hello KHodges,

George Paglia (pagliageorge@gmail.com) has sent you a message via your contact form (<https://www.ci.lancaster.ma.us/user/5191/contact>) at Lancaster MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.ci.lancaster.ma.us/user/5191/edit>.

Message:

Hi Kate, Good morning

Kate, my name is George Paglia, and I am very interested in putting my name in for a spot on the Lancaster Planning board. I have been made aware you are the person to speak with. I am a 23-year resident of Lancaster living at 18 Squire Shaler Lane. Both of my children went through the Nashoba School system played Soccer and Lacrosse. I was a soccer and lacrosse coach for the town. Along with my wife we founded the Nashoba Youth Boys Lacrosse Program in 2001 and eventually got the program as part of Nashoba High School sports. My interest in becoming part of the Planning Board is it is time for someone that has a VISION and a PASSION for a better Lancaster. With the dynamics of the town changing with younger families moving into this fantastic community the town needs revenue to go along with the changing dynamics. I have the common sense and an open mind to help drive Lancaster to something better. Please, let me know if more is needed. I will be out of the country 07 September to 18 September. My Phone is: 508-527-6812
Email: pagliageorge@gmail.com.
Many thanks for your time and assistance in this matter.
Best regards,
George Paglia

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

V. PUBLIC COMMENTS

VI. TOWN ADMINISTRATOR REPORT

**TOWN OF LANCASTER WELCOMES
NEW HEALTH & HUMAN DIRECTOR**

September 6, 2022



Please join us in welcoming Lancaster's new Director of Health & Human Services, Kelly Dolan. Kelly is excited to join Lancaster's leadership team and is eager to work with residents and Town groups to further the mission and goals of this newly formed Town Department. Kelly is a Massachusetts native, raised in Western MA, where she graduated from UMass Amherst with a Bachelor of Arts Degree. In her early career, Kelly served as Program Director for Chicopee's Opportunity Council. She has also

held several leadership positions within the YMCA Organization including Program Director and Senior Impact Officer.

Currently Kelly is the Vice President of Family and Resident Services for the City of Worcester. In this role, she facilitates strategic partnerships between the Mayor's Office and other City Departments to streamline the City's human services offerings. Kelly is passionate about advocacy, assisting people struggling with food or housing insecurities, and creating client-centric programs which provide access to affordable healthcare and educational programming.

Kelly will complete her Master's Degree in Public Administration from Clark University in May of 2023. Her first day in Lancaster will be Monday, September 19 and her office can be found on the top floor of the Community Center next to the gymnasium. Please feel free to drop by and introduce yourself or you may email her at kdolan@lancasterma.net. Town staff are excited to work with Kelly and are confident that she will be widely successful in this new role for Lancaster.

TOWN OF LANCASTER
DEPARTMENT OF HEALTH & HUMAN SERVICES

OUTREACH & ACTIVITIES COORDINATOR

The Town of Lancaster is seeking a full-time Outreach & Activities Coordinator to work in the Town's newly formed Department of Health and Human Services. The coordinator will plan, develop, oversee, organize, and direct programs, classes, and events. Focus for programming efforts primarily surround Seniors and families; however, the coordinator also assists Recreation with events and programming. In the coordinator's outreach capacity, they will provide case management services to residents over the age of 60. These may include assistance in obtaining state or federal aid, Medicare enrollment, transitional assistance eligibility, food stamp applications, submission of referrals for treatment or any other social service need. The coordinator is expected to conduct periodic home visits and acts as a liaison between seniors and area social service agencies.

Education & Experience: Bachelor's Degree in social services, sociology, gerontology, social work or related field plus two years' experience working in, or with, social services agencies. Any equivalent combination of education and experience shall be considered. Position is full-time, in-person, and may require limited and seasonal work on nights/weekends for meetings and events.

Salary & Benefits: Salary range is \$51,782-\$68,758; starting salary expected at or below mid-point DOQ. The Town of Lancaster has a competitive benefits package complete with Health, Dental, Life, Deferred Compensation and participates in the Worcester County Retirement System. EEO

To Apply: Applicants should email a cover letter, resume and any supporting documents to Town Administrator, Kate Hodges at khodges@lanasterma.net with the position title in the subject line. Deadline for all applicants is August 26th at 4:00 PM. If you do not have access to email and wish to fax or mail your materials, please contact the Town Administrator's Office at (978) 365-3326.

TOWN OF LANCASTER
DEPARTMENT OF HEALTH & HUMAN SERVICES

RECREATION COORDINATOR

The Town of Lancaster is hiring for the position of full-time Recreation Coordinator. The successful candidate will serve as a member of the management team within the Town's newly formed Health and Human Services Department. The coordinator should value community building and possess the ability to leverage success through partnerships and teamwork. The Recreation Division oversees various types of programs, services, and community events throughout the year including operation and oversight of Lancaster's Town Beach and the Town's Community Center. As a steward of the Recreation Committee, the Coordinator will also develop and promote programs which utilize Lancaster's various outdoor and indoor spaces and Park facilities.

Education & Experience: Bachelor's Degree in Recreation, Leisure Studies, Management, Physical Education, or related field plus two or more years' experience working in a progressively responsible recreation field. Any reasonable combination of education and experience may be considered. Position is full-time, in-person, and may require periodic work on nights and weekends for meetings and events.

Salary & Benefits: Salary range is \$56,522-\$75,147; starting salary expected at appx. \$64,000 DOQ. The Town of Lancaster has a competitive benefits package complete with Health, Dental, Life, Deferred Compensation and participates in the Worcester County Retirement System. EEO

To Apply: Applicants should email a cover letter and resume to Town Administrator, Kate Hodges at khodges@lancasterma.net with the position title noted in the subject line. Application deadline is Friday, September 23rd by 4:00 PM EST.

TOWN OF LANCASTER
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

ASSISTANT PLANNING DIRECTOR & CONSERVATION AGENT

The Town of Lancaster seeks a motivated, detail-oriented, team player to fill the role of the Town's newly created Assistant Planning Director/Conservation Agent position. Under the direction of the Planning and Community Development Director, the Planner/Agent will assist the Planning Board and Conservation Commission in the administration and enforcement of town bylaws, subdivision and wetlands laws and other regulatory matters. As Conservation Agent, duties surround coordination of a wide range of environmental sustainability efforts including ideas for stormwater management and environmentally friendly development. As Assistant Director, the individual will work on a variety of special projects and planning-related tasks in partnership with the Director. Tasks may include site plan review, special permit application management, and coordination with potential developers and builders. As the Town moves forward to update its updated Comprehensive Master Plan, the Assistant Director is expected to be an integral part of the project team working with many town boards and committees to gather information and develop strategies relative to town-wide development initiatives and smart growth infrastructure. This is a unique opportunity for someone interested in both planning and conservation to acquire hands-on experience working with various agencies, boards, and town departments relative to initiatives that vary both in scope and size.

Education & Experience: Bachelor's Degree in environmental or wetland science, biology/ecology, planning or a related field plus at least two years' experience working in the field relative to wetlands management. Any equivalent combination of education and experience shall be considered. Position is full-time, in-person, and may require some evenings for board or commission meetings.

Salary & Benefits: Lancaster offers a competitive wage and benefits package; salary range for the position is currently set at \$64,206 to \$85,295. Starting salary is projected not to exceed the mid-point DOQE.

To Apply: Please visit the town's website at www.ci.lancaster.ma.us to access the job description and get more information about the Town. Interested parties should email a cover letter and resume, referencing the position title in the subject line, to Town Administrator Kate Hodges at khodges@lancasterma.net. Resumes will be collected through September 9, 2022.

November 12, 2022 - Budget Preview Meeting*Nashaway Room - Prescott Building**8 AM - 1 PM - Hybrid*

Time	Department	Staff Representative	Board Representative
8:00 ORDER			
8:15 - 8:45	Library	Joe Mule	
8:45 - 9:30	Planning Conservation Zoning	Jasmine Farinacci Jasmine Farinacci Jasmine Farinacci	Frank Streeter Tom Christopher Jeanne Rich
9:30-9:45	Building & Inspections	Brian Gringas	
<i>BREAK</i>			
10:00 - 10:30	Fire & EMS	Chief Hanson	
10:30 - 11:00	Police	Chief Moody	
11:00 - 11:30	IT		
<i>BREAK</i>			
12:00 - 12:30	Health & Human Svs. COA Board of Health Recreation	Kelly Dolan Kelly Dolan Kelly Dolan Kelly Dolan	Niki Kanis Jeff Paster Winn Clark
12:30-1:10	DPW		
<i>BREAK</i>			
1:15-1:45	Town Administration Finance Town Buildings & Capital	Kate Hodges Cheryl Gariepy Kate Hodges	
1:45 -2:00	Wrap-Up		
2:00 ADJOURN			

VII. ADMINISTRATION, BUDGET AND POLICY

#1

#2

DPW MEETING

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

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

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

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

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

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

#3 Finally all history and prior precedent aside.

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

From our Association Meeting 8/25

FACTS ABOUT SPEC POND AVE BEING A TOWN ROAD

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

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

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

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

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

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

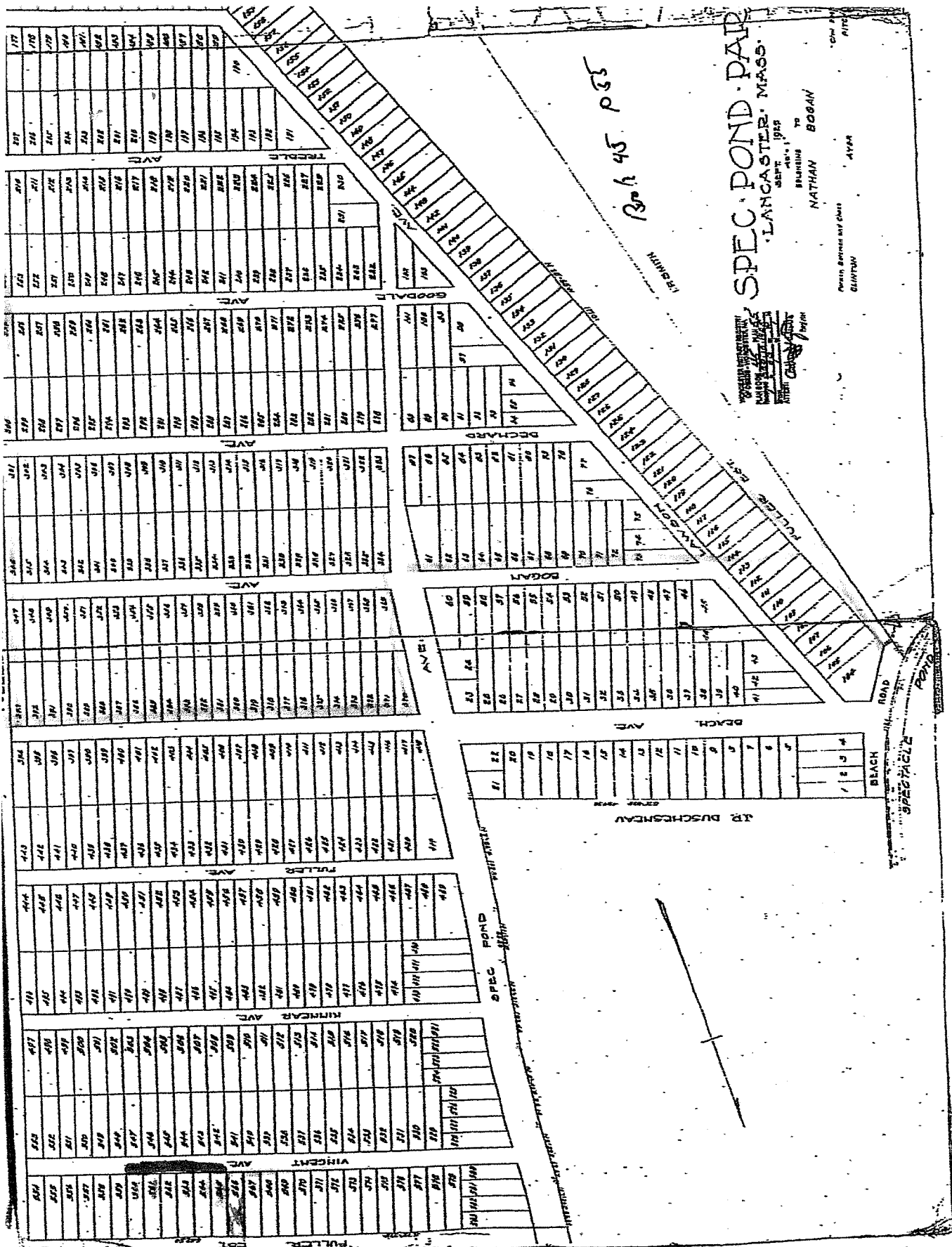
In 1957 we are listed as "DISCONTINUED" See V17 Page 32,37. These town meeting notes state "NO VOTE WAS TAKEN" IT WAS STATED "PROPERTY OWNERS CONCERNED WOULD BUILD THEIR OWN ROAD" "BUILD" our own road AFTER 40 houses were built ?????

OUR ROAD WAS ILLEGALLY DROPPED.

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

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

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



Box 45 P35

SPEC POND PAD
LANCASTER, MASS.
SEPT. 1, 1945

BEACHING TO
NATHAN BOGAN

From Beach and East
CLINTON
AVER

WILLIAM W. WILSON
MASS. LAND & TRUST CO.
100 STATE ST. BOSTON
ATTN: CHAS. W. WILSON

21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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BEACH
SPECTACLE
ROAD
POND

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

\$2,000 to be expended by the Board of Selectmen for an engineering survey and report on a proposed Sewage System.

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

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

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

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

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

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

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

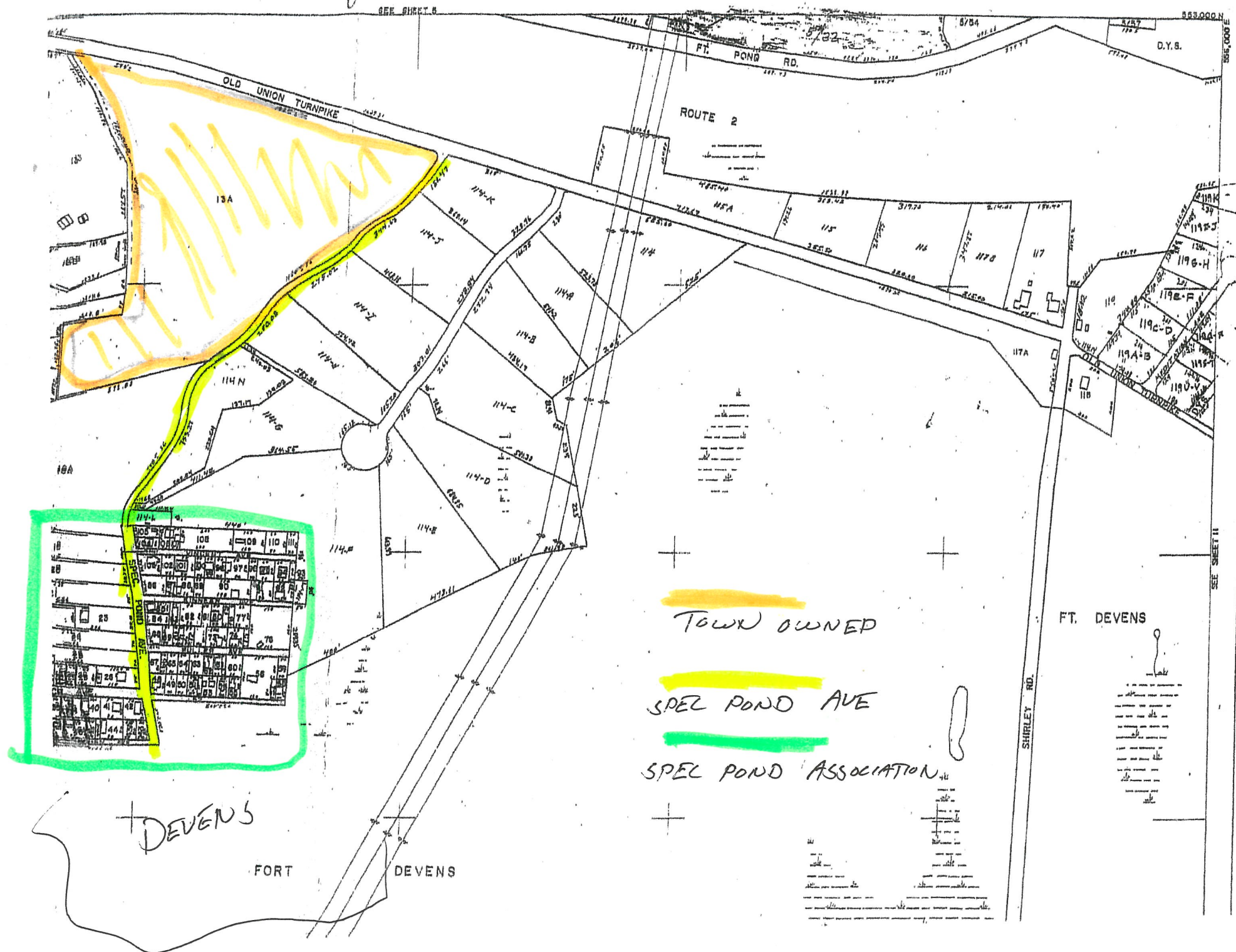
Attest:

Ethel B. Macdonald.

Town Clerk

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

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



#3

#4

#5



Proclamation

***WHEREAS,** The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and*

***WHEREAS,** September 17, 2022, marks the two hundred thirty-fifth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and*

***WHEREAS,** It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and*

***WHEREAS,** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through 23rd, as Constitution Week,*

***NOW THEREFORE,** be it resolved that we, the Lancaster Select Board do hereby proclaim*

September 17th -23rd as Constitution Week

In the Town of Lancaster and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

***IN WITNESS WHEREOF,** we have hereunto set our hands and caused the Seal of the Town of Lancaster to be affixed this twelfth day of September in the year two thousand twenty-two.*

Chairman

Stephen J. Kerrigan

Clerk

Alexandra W. Turner

Member

Jason A. Allison

VIII. APPOINTMENTS AND RESIGNATIONS

Kathi Rocco

From: Kate Hodges
Sent: Monday, August 29, 2022 12:52 PM
To: Tom Christopher; Stephen J. Kerrigan
Cc: Kathi Rocco
Subject: RE: Erin Callanan/ConCom

Tom,

This is on the SB Agenda for their meeting on the 12th. The Board has not met since Ms. Callanan expressed her interest relative to appointment which is why you haven't see any 'moment' on the matter. No worries, as of the 12th, pending any unforeseen complications, she can be appointed as the Board deems appropriate. Thank you for following up.

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

From: Tom Christopher <tom.christopher@comcast.net>
Sent: Monday, August 29, 2022 12:11 PM
To: Kate Hodges <KHodges@lancasterma.net>; Stephen J. Kerrigan <SKerrigan@lancasterma.net>
Subject: Erin Callanan/ConCom

Hi Kate & Steve,

What is the status of appointing Ms. Callanan to the ConCom. The Commission would like to see her appointment on an SB agenda. She is more than qualified to serve on the ConCom.

Regards,
TC

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

RECEIVED

AUG 18 2022

Board of Selectmen

Aug 18, 2022

The Select Board
Lancaster, Ma.

Dear Board of Selectpersons,

As of Sept 1, 2022, I
will be resigning from my
position as a Trustee of The
Thayer Memorial Library.

Sincerely,
Frank T. Mac Grogan

Kathi Rocco

From: 07winsor@gmail.com
Sent: Saturday, August 20, 2022 9:19 AM
To: kdowning@nrsd.net; Kate Hodges; ldvivirito@gmail.com
Cc: 'Masterson, Aleta'; Kathi Rocco; 'Brett Collins'; jgleason@nrsd.net; spoch@nrsd.net
Subject: Winsor / Lancaster Representative to the Nashoba School Committee

August 19, 2022

TO: **Kate Hodges** **Lancaster Town Administrator**
 Leah Vivirito **NRSD School Committee Chairperson**
 Kirk Downing **Superintendent of Schools**

FROM: Shawn S. Winsor Lancaster Representative to the Nashoba School Committee

RE: **Resignation from the Nashoba School Committee**

Good Morning:

It is after much thought; I have made the difficult decision to resign from the Nashoba Regional School Committee.

Our current board provides vast levels of experience, education, and insight as they are a true representation of our communities.

I have had the pleasure of working alongside an esteemed and compassionate level of doctors, educators, attorneys, parents, and those personally touched by the many support and educational opportunities provided by our school. Confirming, as I witnessed firsthand, it's true, people raise families in our communities because of our schools.

Superintendent Kirk Downing is the proverbial fuel and rudder to this ship. His forward thinking and planning are always based on the quality and character of our communities.

Kirk truly appreciates his task requires him three responsibilities.

1. To appreciate what unifies the district in its current state and in any future planning.
2. To understand even as a district, the communities have unique differences.
3. And most importantly, how does the operation of the school system effect the communities; as they too have operations, budgets, and residents to answer to.

The reality is filling the position will be a challenge. There is an understated workload responsibility as a representative. While some boards and committees simply meet monthly. The representative must appreciate the time obligation of sub-committees, training, and multiple meetings.

And active participation in issues involving residents, parents, students, administration, teachers, state regulations, and legal obligations.

Fortunately, those responsibilities are well supported and organized.

The recent announcement of another town's representative resignation caused me pause, but I believe I may have a solution.

To better assist the Board of Selectman and our School Committee, I would be willing to remain on the board until a suitable replacement is chosen.

My concern is we must have a quorum and full representation on the committee during the search process. As they are meeting the challenges of building a new high school, operations, and keeping the ship moving forward.

- **Ms. Hodges, please advise me as to the instructions from the Selectboard regarding my offer, so I may handle it accordingly with the school district.**

Respectfully:
Shawn Winsor
Lancaster.

Kathi Rocco

From: Kate Hodges
Sent: Tuesday, August 16, 2022 11:22 AM
To: Kathi Rocco; Stephen J. Kerrigan
Subject: FW: CPAC Notification That I Am Resigning from the CPAC Effective Tuesday August 16, 2022

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

From: Peter Christoph <crosstone@hotmail.com>
Sent: Tuesday, August 16, 2022 9:01 AM
To: Stephen J. Kerrigan <SKerrigan@lancasterma.net>; Alexandra Turner <alixturner@gmail.com>; Jason A. Allison <JAllison@lancasterma.net>
Cc: Kate Hodges <KHodges@lancasterma.net>
Subject: CPAC Notification That I Am Resigning from the CPAC Effective Tuesday August 16, 2022

August 16, 2022

45 Bennett Lane , Lancaster MA

I intend this memo to serve as the notification that I am resigning from my appointed position as a member of the Community Preservation Act Committee. My resignation will be effective August 16. It has been my pleasure to serve Lancaster as a member of the CPAC.

Sincerely,
Peter Christoph

Peter Christoph
Wildlife Photographer, Author and Speaker
www.peterchristoph.com
978.549.4812

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

Kathi Rocco

From: Charlie & Ann Fleury <fleury3@comcast.net>
Sent: Thursday, August 11, 2022 3:49 PM
To: jason.a.allison@gmail.com; Alexandra Turner; Stephen J. Kerrigan
Cc: Kathi Rocco; Kate Hodges
Subject: Resignation LCC

Dear Select Board,

Due to my current family commitments, I resign from the Lancaster Cultural Council effective immediately.

Regards,
Ann Fleury

Kathi Rocco

From: Kate Hodges
Sent: Thursday, August 11, 2022 6:03 PM
To: Kathi Rocco; Amie Martin
Subject: FW: Lancaster Cultural Council - Notification That I Am Resigning from the LCC Effective Thursday August 11, 2022

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

From: Peter Christoph <crosstone@hotmail.com>
Sent: Thursday, August 11, 2022 4:04 PM
To: Stephen J. Kerrigan <SKerrigan@lanasterma.net>; Alexandra Turner <alixturner@gmail.com>; Jason A. Allison <JAllison@lanasterma.net>
Cc: Kate Hodges <KHodges@lanasterma.net>
Subject: Lancaster Cultural Council - Notification That I Am Resigning from the LCC Effective Thursday August 11, 2022

August 11, 2022
45 Bennett Lane , Lancaster MA

Good afternoon,

I intend this memo to serve as the notification that I am resigning from my appointed position as a member of the Lancaster Cultural Council. My resignation will be effective immediately. It has been my pleasure to serve Lancaster as a member of the LCC.

Sincerely,
Peter Christoph

Peter Christoph
Wildlife Photographer, Author and Speaker
www.peterchristoph.com
978.549.4812

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IX. LICENSES AND PERMITS



TOWN OF LANCASTER, MASSACHUSETTS
OFFICE OF THE
BOARD OF SELECTMEN

SPECIAL (ONE DAY) LIQUOR LICENSE APPLICATION

TODAY'S DATE: 9.6.2022

APPLICANT'S NAME: Allison Mannette TELEPHONE: 508.356.5115

ORGANIZATION: American Cancer Society

EVENT ADDRESS: 132 Fort Pond Inn Rd., Lancaster, MA 01523

EVENT PURPOSE: Bicycles Battling Cancer Cycling Fundraiser

EVENT DATE: 9.24.22

EVENT HOURS: 7am-4pm

ALCOHOL: Beer and Wine: X All Alcohol*: _____
(Non Profit; Charity or Club Only)*
ATTENDANCE: Approximate Number of Persons in Attendance: 250
Persons Under 21 in Attendance: Yes X No _____

If this Special One-Day Liquor License is granted, I hereby agree to abide by all rules, regulations and laws of the Commonwealth of Massachusetts concerning the sale and consumption of alcohol, particularly with regard to the minors. No persons under the age of twenty-one (21) shall be served alcoholic beverages.

Allison Mannette
Signature of Applicant

POLICE DEPARTMENT OFFICIAL USE ONLY

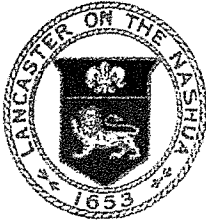
____X____ Approval Recommended _____ Approval **Not** Recommended

Police Officer Required: Yes _____ No x _____

Comments/Conditions: _____

Date: 09082022 _____

Chief Everett L. Moody
Police Chief Signature



TOWN OF LANCASTER, MASSACHUSETTS

**OFFICE OF THE
BOARD OF SELECTMEN**

RECEIVED

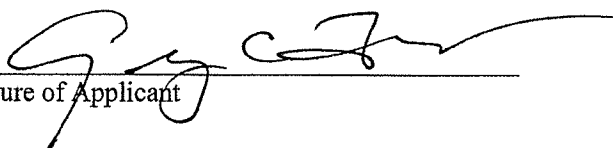
AUG 22 2022

Board of Selectmen

SPECIAL (ONE DAY) LIQUOR LICENSE APPLICATION

TODAY'S DATE: 08/22/2022
APPLICANT'S NAME: George Frantz TELEPHONE: 978-807-0308
ORGANIZATION: First Church of Christ, Unitarian
EVENT ADDRESS: 725 Main St,
EVENT PURPOSE: community craft fair; fund raiser
EVENT DATE: 10/01/2022
EVENT HOURS: 10 am to 4 pm (plus setup & cleanup)
ALCOHOL: Beer and Wine: _____ All Alcohol*: X
(Non Profit; Charity or Club Only)*
ATTENDANCE: Approximate Number of Persons in Attendance: 7000
Persons Under 21 in Attendance: Yes X No _____

If this Special One-Day Liquor License is granted, I hereby agree to abide by all rules, regulations and laws of the Commonwealth of Massachusetts concerning the sale and consumption of alcohol, particularly with regard to the minors. No persons under the age of twenty-one (21) shall be served alcoholic beverages.


Signature of Applicant

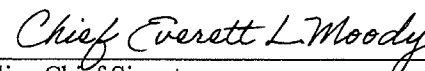
POLICE DEPARTMENT OFFICIAL USE ONLY

X Approval Recommended _____ Approval **Not** Recommended

Police Officer Required: Yes X No _____

Comments/Conditions: Past practice has been successful with one Officer.

Date: 09082022


Police Chief Signature

To whom it may concern,

The standing committee of First Church in Lancaster is in full approval of selling beer at the Horse Shed Fair in October of 2022. The Standing Committee has discussed the issue and believe that it is entirely appropriate for us to offer beer to our supporters. We were happy to hear that Wachusett Brewing will be donating products to our church for this event.

Thank you,
Daniel Poch
FCC Standing Committee Chair



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/02/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Church Mutual Insurance Company 3000 Schuster Lane P.O. Box 357 Merrill WI 54452		CONTACT NAME: Katie G Giese PHONE (A/C, No. Ext): 1-800-554-2642 Option 1 E-MAIL ADDRESS: CustomerService@churchmutual.com FAX (A/C, No): 855-264-2329	
INSURED FIRST CHURCH OF CHRIST UNITARIAN INC 725 MAIN ST LANCASTER MA 01523-2248		INSURER(S) AFFORDING COVERAGE INSURER A: Church Mutual Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 18767	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	N		0190730-02-085180	04/05/2020	04/05/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**Town of Lancaster
695 Main St

Lancaster

MA 01523-2294

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Katie Giese



**Form ST-2
Certificate of Exemption**

**Massachusetts
Department of
Revenue**

Certification is hereby made that the organization herein is an exempt purchaser under General Laws, Chapter 64H, section 6(d) or (e). All purchases of tangible personal property by this organization are exempt from taxation under said chapter to the extent that such property is used in the conduct of the business of the purchaser. Any abuse or misuse of this certificate by any tax-exempt organization or any unauthorized use of this certificate by any individual constitutes a serious violation and will lead to revocation. Willful misuse of this Certification of Exemption is subject to criminal sanctions of up to one year in prison and \$10,000 (\$50,000 for corporations) in fines.

**FIRST CHURCH OF CHRIST
725 MAIN ST
LANCASTER MA 01523**

**EXEMPTION NUMBER
042 103 771
ISSUE DATE
11/02/14
CERTIFICATE EXPIRES ON
11/02/24**

NOT ASSIGNABLE OR TRANSFERABLE

COMMISSIONER OF REVENUE

ST-2

TOWN OF LANCASTER

APPLICATION FOR USE OF TOWN GREEN/GAZEBO

(Submit to: Executive Assistant, Town of Lancaster, 701 Main Street, Suite 1, Lancaster, MA 01523)

August 15, 2022
Date

To the Licensing Authorities:

The undersigned hereby applies for a License/Permit in accordance with the provisions of the Statutes of the Commonwealth of Massachusetts and/or Bylaws of the Town of Lancaster relating thereto:

Date of Activity:

October 6, 2022

Time:

Start: 3:00 pm

End: 4:30 pm

Name & Address:

Rachel Rosengard Carter

Telephone:

X1025

Emergency Contact & Phone:

Joe Mule X1403

Business Name (If applicable):

Address:

717 Main Street

Telephone:

Number of People Attending:

Provisions for Parking:

Van may park in front of Church
if needed by vendor.

Partial or full road closure?

Structures?

Tents with sides?

Cooking?

Food/Refreshments?

Porta Potty?

Portable Sink Unit?

Email address:

RRosengard@lanasterma.net

Clearly explain the purpose for requesting the use of the Town Green/Gazebo:

Friendly ASS Farms will be doing a program on therapy
animals featuring a mini-horse and a mini-donkey.
They wear diapers. ☺

A Refundable Deposit of \$100 is required of anyone requesting the use of the Gazebo/Town Common.

Wedding Fees

Residents:

No Charge for Weddings, Rehearsals or Photographs

Non-Residents:

Weddings - \$50

Rehearsals - \$25

Photographs - \$25

I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth and the Town of Lancaster relating to the filing and payment of taxes.

Rachel Rosengard Carter

Signature of Individual or Corporate Officer

Thayer Memorial Library

Company Name or Individual Name

Social Security Number or Federal
Identification Number*

* Your Identifying Number will be furnished to the Massachusetts Department of Revenue to determine whether or not you have any tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Chapter 62C, Section 49A, of the Massachusetts General Laws and the Bylaws of the Town of Lancaster.

X. NEW BUSINESS

XI. COMMUNICATIONS



Town of Lancaster

701 Main St • Prescott Building
Lancaster, Massachusetts 01523
(978) 365-3326

MEMO

TO: Government Study Committee
CC: Lancaster Select Board
FROM: Kate Hodges, Town Administrator
DATE: August 16, 2022
RE: Government Structure Overview

The Government Study Committee was established pursuant to an affirmative action by Town Meeting in May of 2022. The idea of creating a Government Study Committee (GSC) was to engage a group of residents from a wide variety of backgrounds to take a critical look at Lancaster's form of government (FOG), organization of Town boards and committees and whether the creation of a Town Charter would be in the best interest of Lancaster. The Town's current governmental structure is Open Town Meeting – Select Board – Strong Town Administrator.

I. TOWN CHARTER PURPOSE

A municipal charter is the basic document that defines the organization, powers, functions, and essential procedures of the government. It is comparable to the Constitution of the United States or a State's constitution. The charter is, therefore, the most important legal document of any government entity. Charters are granted either *directly* by a State Legislature, by way of local legislation, or *indirectly* under a general municipal corporation law following a referendum vote of the proposal by the population. In its simplest form, a municipal charter establishes the Town's name, date of incorporation, FOG and its boundaries. The charter also includes the municipality's procedures for electing or appointing its administrative officials and officers. A charter may also outline how the municipality handles certain public services or financial matters, such as the power to tax or to incur debt.

All 351 municipalities in Massachusetts must conform to state statutes when forming a city or Town Charter. Charters are required to outline all details of how the city or Town will be run. The Charter must include the FOG chosen and must detail who has what powers.

A Town Charter is the basic framework of the government form in a community and outlines:

- ✓ Town Name & FOG
- ✓ Number of Select Board or Council Members and mode of election and terms
- ✓ COO Name (Manager or Administrator) and defined roles and contract terms
- ✓ Other governmental bodies, or officials, and their means of appointment or election
- ✓ Town Moderator term and means of appointment

- ✓ Designation of a legislative branch (ex. Open Town Meeting) including size, term, composition, and what authority it encompasses.

II. FORMS OF GOVERNMENT (FOG) IN MA

There are four basic forms of government which municipalities in Massachusetts may implement according to state legislation. Many Massachusetts communities also utilize Town Meeting as their main legislative branch. Town Meeting is a unique form of legislation almost entirely based in the Commonwealth and is not seen in other parts of the United States. There are four ways that communities are governed in the State of MA which include:

- (1) Mayor-Council,
- (2) Council-Manager,
- (3) Open Town Meeting/Select Board/Town Manager or Administrator, and
- (4) Representative Town Meeting/Select Board/Town Manager or Administrator.

Mayor-Council Form: The Mayor-Council FOG is seen mostly in cities in Massachusetts, however being a city is not a prerequisite for the Mayor-Council form. The Mayor-Council form of local government parallels the Federal American government almost exactly. Both have an elected legislature and executive branches that are elected separately. Voters elect a Mayor and a Council through open elections. As the chief executive, the Mayor appoints key officials and boards, however the Council may also have the power to appoint certain boards. In this system, very few boards and/or commissions are elected by the public. The Mayor is also the creator of the budget and oversees unions, contracts, personnel, and the complete administration of the city. In terms of legislative powers, the Council adopts the rules and regulations of the city after a series of public hearings or solicits resident input via referendums (votes).

Council-Manager Form: The governing legislative body in this system is the Council who are elected by the voters of the municipality. Their main responsibility is to provide legislative direction to the Manager. The Council also adopts budgets, laws, and may be able to approve or veto certain appointments made by the Manager. In this system, the Council is comprised of five to nine members that involve a Council President as its head. The Manager acts as the chief executive and administrative officer for the community. The Manager is appointed by the Council. The responsibilities of the Manager include the day-to-day and overall operations such as appointments, budgets, contracts, and union management. Similar to the Mayoral FOG, the legislative body in this form either includes Council-led referendums or, in some cases, a Representative Town Meeting legislative process which is discussed in more detail below.

Open Town Meeting-Select Board-Town Manager/Administrator: This FOG has three different aspects to it: Town Meeting, Select Board, and Town Manager or Administrator. Since the legislative body is made up of all citizens of the municipality there are many different opinions considered. In this FOG, an Open Town Meeting acts as the legislative body of the Town. All citizens who are registered voters meet on a given day(s) and place to elect certain board or committee members, including the Select Board, and to accept or reject other policy decisions or bylaws. The voters are given an opportunity to debate and vote on budgets, by-laws, and other issues brought forward during Town Meeting. The Select Board is generally three to five members elected by the people and collectively they make up the executive branch of the

government. The Select Board members appoint the Manager, certain board or committee members, and set municipal policy and goals.

The Town Manager or Administrator is an arm of the executive body of the Town and serves as the chief administrative, or operations, officer (CAO/COO). This authority allows them to appoint department heads, create budgets, sign contracts, negotiate with unions and run the general administration of the Town. The level of authority which is afforded to the Town Manager or Administrator depends on the language within the Town Charter which outlines their position. If the charter does not clearly define this, then specific authorities are granted through actions and affirmative votes of the Select Board relative to the delegation of duties and of certain authorities.

Town Managers tend to have more central authority than Administrators but in both instances, the differences are defined by the Board, the Town's Charter or some combination of both. The Manager or Administrator takes on the role of Chief Operations Officer (COO) and the individual serves in many capacities taking on various obligations that range from supervising the administration to ensuring the efficiency of Town activities and departments. Another difference in a Managerial FOG versus an Administrative FOG is that a Town Manager generally appoints all non-regulatory board and committee members (Recreation Committee, COA, Disability Commission, Historical, etc.) while the Select Board appoints certain regulatory boards such as the Planning Board, Board of Health, Zoning Board of Appeals and Finance Committee. Elected positions in a Select Board-Managerial FOG are generally restricted to the Select Board, Housing Authority, Town Moderator and those regulated through MA General Law.

The benefit to both the Administrator and Manager FOGs includes the ability for direct and extensive citizen participation – both at the committee level and at Open Town Meeting. In both instances, the Select Board seeks to appoint a well-qualified chief executive and that individual's focus should surround the operational needs of the Town while the Select Board, and the other related Town officials, provide policy direction and bylaw management. *If* there is a downside to this FOG, it would surround the idea of a 'shared' executive branch -- between the Select Board and the Manager/Administrator. If the Board does not clearly define the roles and authorities of the Manager or Administrator, that lack of direction *may* cause confusion regarding what responsibilities belong to whom and who supervises and is responsible for staff development and productivity. The larger the size of the legislative body, the greater the chances are that some members of the community *may* not be as well versed on issues prior to being asked to vote at Town Meeting. Therefore, regardless of the title – Manager or Administrator, this FOG relies heavily on the Select Board, as the Town's Chief Executives, dedicating time to hold consistent and frequent meetings with the community and their ability to set clear policies and delegate certain tasks and authorities to the Manager in order to efficiently handle Town business.

Representative Town Meeting (RTM)-Select Board-Town Manager/Administrator: Like the previous FOG, this too has three aspects to it: Representative Town Meeting, Select Board and Town Manager/Administrator. In order to create the Representative Town Meeting, a limited number of community members are elected, usually by district, who then represent all citizens at Town Meeting. The size of the RTM varies but can range from smaller than one hundred to more than three hundred. The RTM is the legislative body for the municipality meaning that it debates

and passes budgets, by-laws, and all other issues that arise during the Town Meetings. The executive branch is the same as in the Open Town Meeting form of government. The Select Board and Town Manager or Administrator share the responsibilities of the executive branch. The individual roles of the Select Board and the Town Manager/Administrator are the same as described in the Open Town Meeting segment above. Representative Town Meeting, for some, allows a more pointed or segmented legislative body to be involved in the government than that of an Open Town Meeting. In this form, because the Town Meeting members are elected, they *may* be more likely to be well versed in issues than those who participate in an Open Town Meeting only once or twice a year. The idea, theoretically, is that those who ‘run’ for a representative seat at Town Meeting would have campaigned or lobbied for their appointment and likely would be well informed about Town business. A drawback to this FOG; however, surrounds the community’s ability to truly create a diverse representation of the community within the elected representative body. Additionally, it can be difficult for RTM’s to reach the required quorums or to ensure that all members of the legislative body remain knowledgeable about current issues post-election. This FOG relies heavily on those elected to Town Meeting to self-govern and regulate their personal community engagement in order to stay informed about Town business and represent their district(s) effectively.

III. CHARTER CREATION & REVISIONS

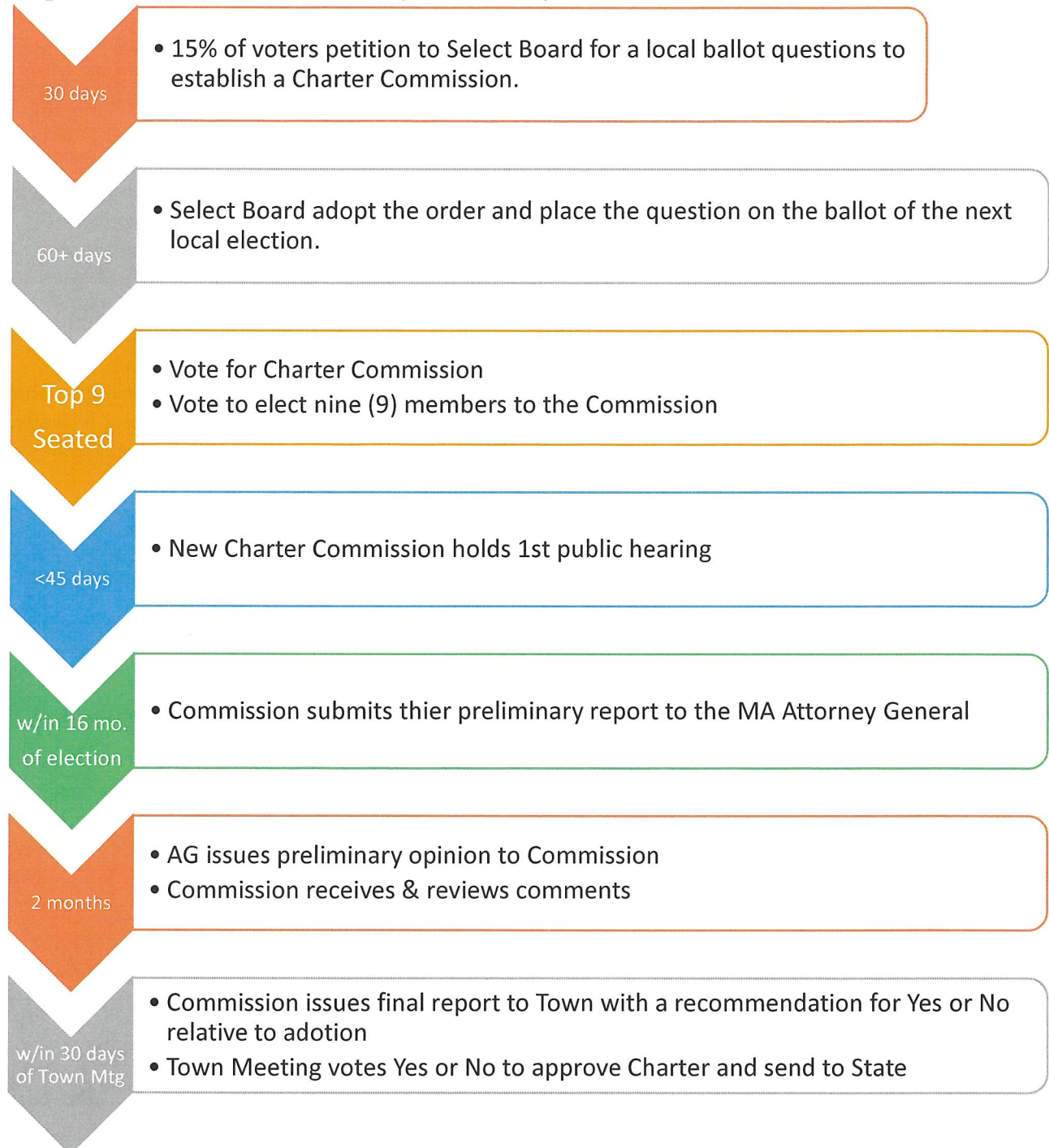
Occasionally, a governmental body may seek to revise its charter. There are several reasons to do so since the charter affects everything the governmental body does. Since it provides the basis for *most* of the municipal regulatory functions and outlines the delivery of municipal services, periodic charter reviews are both necessary and prudent to keep community’s up-to-date. The process of charter changes varies, but in Massachusetts there are two ways to revise municipal charters. The key distinction between the two is the time required to complete the processes.

Home Rule/Charter Commission: Under the Home Rule Amendment to the Massachusetts Constitution and the Home Rule Procedures Act (M.G.L. Ch. 43B), cities and Towns can form a Charter Commission to adopt a new charter, entirely revise an existing charter, or amend selected charter sections. Under Section 3 of Ch. 43B, the process to form a Charter Commission is initiated when 15 percent of the voters petition the Select Board to order a local ballot question on whether to adopt a new charter (or to revise an existing one.) Once the petition and signatures are certified as valid, the Select Board has 30 days to adopt the order and place the question on the ballot of the next regular election. The only caveat to this is that the election must not occur until 60 days have lapsed.

When votes are cast on the question of forming a *Charter Commission*, votes are simultaneously cast to elect nine (9) commission members to the Commission. If a majority of the voters approve the question, the top nine candidates are then seated on the Commission. The Commission, by Statute, must then hold its first public hearing within 45 days of the election and must complete a preliminary report within 16 months of their election to submit to the MA Attorney General for an advisory opinion. The Commission, after receiving the comments from the AG, then moves forward in completing its final report which is due within two months of the AG’s review, or 18 months from the election of the Commissioners. Once complete, Charter Commission

recommendations are then placed before the voters for acceptance or rejection.¹ If the Commission has no recommendation, then no vote occurs.

Graph A: Charter Commission Route (18-24 months)

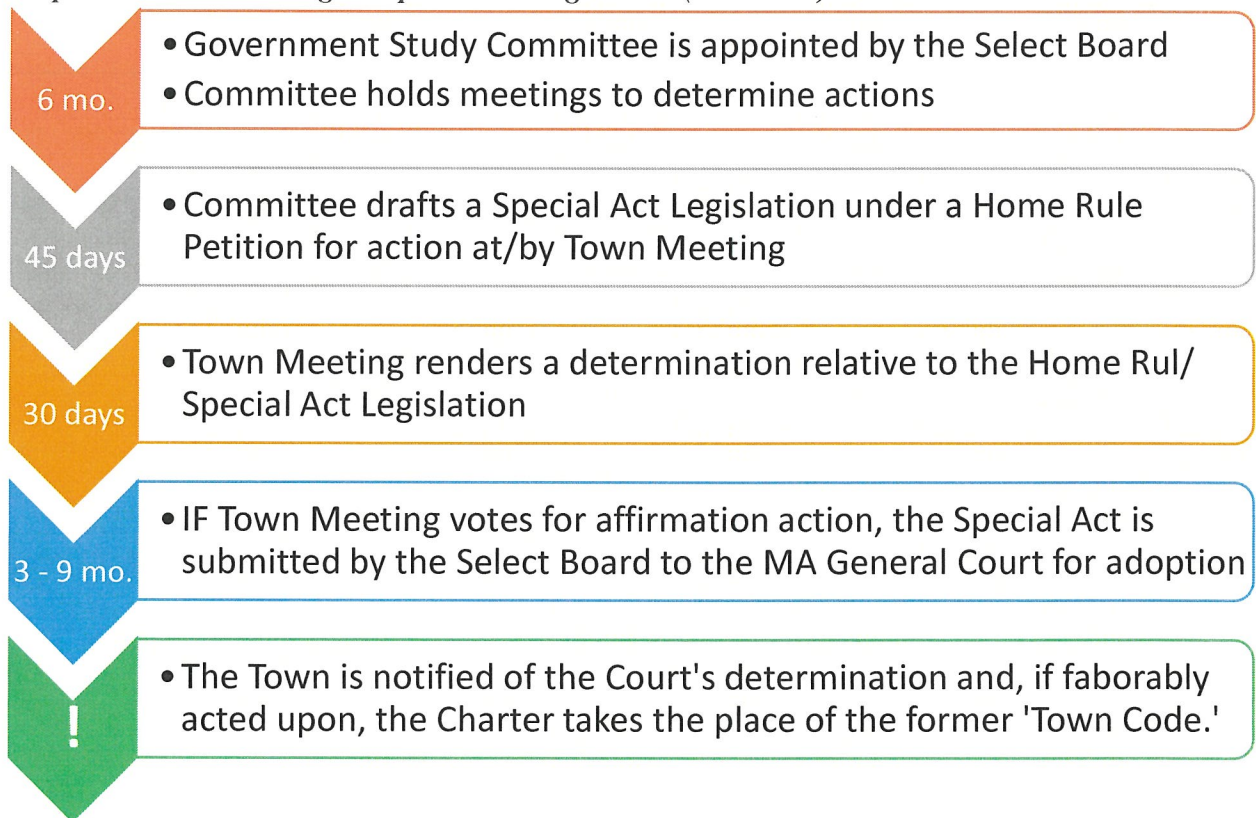


¹ Under Section 10 of the statute, an alternative process which does not involve a charter commission is available to amend a previously adopted or revised charter. Given this would be Lancaster's first Charter, if this path is chosen, we would need a legal review to investigate if we could utilize this method of charter creation.

Special Legislation: As an option to the Home Rule Charter process under Ch. 43B, communities can also adopt, revise, or amend a charter through a special act of the Legislature with approval of the Governor. The work of a Charter Commission is directed by statute and involves approximately 18-24 months of time. A special act can *generally* advance more quickly.

Special Act: As an alternative, a community can adopt, revise, or amend a charter by a Special Act of the State legislature. Special Acts, or special laws, involving government structure are applicable only to that particular city, or town, and with few exceptions are deemed to have the force of a charter. For towns, the approval of Town Meeting is required. As a matter of practice Town Meeting makes special laws to adopt or change a charter that are contingent on voter (Town Meeting) approval. State law does not mandate or prescribe a particular procedure for arriving at proposed charter provisions when a Special Act is drafted. However, a local government study committee, typically appointed by the Select Board, is a frequently used best method approach. The appointing authority is not restricted in the number of committee members, and will often have the Chair of the Select Board, or Council, serve as the GSC Chair to ensure consistency. The Act also defines the charge of the committee broadly to encompass all aspects of local government or to ensure that certain matters are included within the committee's focus. In its charge, the committee can also be directed to complete its work in a shorter time frame than what the law requires for a Charter Commission as discussed above. Once a charter proposal is drafted as a Special Act, it must be presented to Town Meeting for approval and authorization. Once authorized, it can then be submitted to the General Court for adoption.

Graph B: Charter Through a Special Act/Legislation (11-18 mo.)²



² This timetable presumes that the General Court places the matter onto the docket for review and decides within 3-6 months after receiving the approved Charter from the Board (as approved by Town Meeting).

IV. HOME RULE LEGISLATION

Home Rule, or “*self-governance*”, exists in MA and can be accessed when a city or town adopts a charter through the approval of its legislative body and its electorate. Presently, in Lancaster, this is through Town Meeting. With the adoption M.G.L. Ch. 43B (and Amendment Article 89) in 1966, Massachusetts created the ability to exercise local power through the approval of its legislative body (Town Meeting or a City Council) and its voters. Essentially, Home Rule Petitions allow municipalities to exercise local authorities and powers through the adoption of ordinances, laws, and charter regulations.

In Massachusetts, municipalities have limited powers under state law. A Home Rule Petition is a request from a community to the State for a new type of power from the Legislature. One example of this type of power is the ability to enact new tax regulations or exemptions from a certain aspect of state law. If a proposed Home Rule Petition is passed locally, (meaning, receives an affirmative vote at Town Meeting) the local government entity would then send the bill to its State Representative(s) and Senator(s). Those individuals would then seek to pass the action(s) at the legislative level. If successful, the petition then becomes a state law; however, it is a law that only affects that specific municipality.

The strongest exercise of Home Rule rights for any community is through actions within that entity’s charter (or, once a charter change or creation has begun, through that community’s Charter Commission). In that process, the municipality can organize their own local government in a way that best meets the needs of their citizens. This can happen without state approval. There are significant limitations to Home Rule rights including some local actions which require the approval of the State Legislature.

It is important to note that while each governmental body has the ability to propose and accept their own Home Rule Petitions, local laws or regulations can only be upheld by the legislature if the laws and regulations proposed are deemed not to be in conflict with the Commonwealth’s Constitution or any of the MA General Laws. There are specific constitutional clauses (Amendment Article 89, Section 7) which reserve the State’s authority to regulate certain areas of local government – a veto, of sorts, to Home Rule Petitions. These include any municipality’s ability to:

- ✓ govern its elections;
- ✓ set levy limits;
- ✓ assess and collect revenues and taxes;
- ✓ design and implement processes relative to borrowing money or bonding capital projects;
- ✓ pledge a municipality’s credit;
- ✓ dispose of parklands, conservation restrictions or open space;
- ✓ enact private or civil laws; or
- ✓ impose criminal penalties.

The initial responsibility to determine whether certain adopted local provisions (Home Rules) may prevail rests with the State’s Attorney General. Specifically, this duty is assigned to the

Municipal Law Unit within the AG's office. The Law Unit's protocols are listed online and State, *"Whenever a town adopts or amends its general bylaws or laws, within 30 days of adjournment of Town Meeting, the Town Clerk is required to submit them to the Attorney General's Office for review and approval. The Attorney General then has 90 days in which to decide whether the proposed amendments are consistent with the Constitution and the Laws of the Commonwealth. If the Attorney General finds an inconsistency between the proposed amendments and state law, the amendments, or portions of them will be disapproved. The Municipal Law Unit is responsible for undertaking this review and for issuing a written decision approving or disapproving bylaw amendments."*

Regarding either the creation or amendment of charters, the Law Unit's procedures dictate, *"...whenever a city or town seeks to adopt or amend its charter pursuant to the Home Rule Procedures Act, the proposed charter or charter amendments must be submitted to the Attorney General for his opinion as to the consistency between the charter (or charter amendments) and state law. The Attorney General then has 28 days in which to make this determination. The Municipal Law Unit is responsible undertaking this review and issuing a written decision."*

V. CONCLUSION

The Work of the GSC is critical for the Town to be successful in modernizing and conducting business in an efficient and effective manner. That said, there are many decisions and discussions which need to take place at the committee level. As members of the GSC, you will determine what may be in the best of Lancaster relative to its form of government and how Town business should be conducted. This effects Lancaster's current and future community members and businesses.

Each form of government, and the notion of creating a Town Charter, has pros and cons. As a first order of business for the committee, I believe it would be worthwhile for the group to determine whether the creation of a Town Charter would be prudent and, if so, what the best means for devising and adopting a charter may be. Thereafter, the committee may wish to outline a plan relative to drafting and vetting certain language and topic areas within the charter. Additionally, considerations relative to Lancaster's form of government will be essential. What mode fits Lancaster best? Is Lancaster's current structure completely fine 'as-is' or would changes to our current structure or processes add efficiency or greater accountability? Are the separately elected boards or committees a good thing? What boards and committees should be elected?

Answers to each of these questions will likely determine the committee's future agenda items and task priorities. As staff liaison to the committee, I am available to answer questions or provide any information which the group may find beneficial to its work. If there is anything I can provide, please do not hesitate to contact me directory either via email to khodges@lanasterma.net or telephone at (978) 365-3326 x1016.

Thank you.

Kathi Rocco

From: Kate Hodges
Sent: Tuesday, September 6, 2022 3:52 PM
To: Kathi Rocco
Subject: FW: LIV Golf Charitable Giving

Can you put this under correspondence.

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

From: Mike Goggin <Mike.Goggin@par5group.com>
Sent: Tuesday, August 30, 2022 1:33 PM
To: Don Lowe <dlowe@townofbolton.com>; Kate Hodges <KHodges@lancasterma.net>
Subject: LIV Golf Charitable Giving

Good afternoon Don and Kate,

I apologize for not having this over to you sooner, I was hoping to get this information last week but I've just been told this will be announced on Thursday publicly so this is still technically off of the record. I just wanted to make sure that you both had it as soon as I got it on my end. You're probably aware of some of these already but this is the current list of confirmed recipients. There are a few more in the works that are both local and regional to Bolton and Lancaster that I'm hopeful will be announce soon as well.

The LIV to Give recipients include:

- Bolton Conservation Trust to fund trail maintenance, environmental and educational programs, and support land stewardship in the town of Bolton.
- Coaching4Change to provide low-income students critical mentorship services, empowering youth with life skills that unlock success.
- Glen Doherty Memorial Foundation to fund scholarships to special operations vets as they transition out of service and into employment opportunities.
- Boys and Girls Club of Assabet Valley to fund after-school and summer programs, STEM education materials and supplies, and partnership with the local museum to provide enhanced instruction.
- Bridge Over Troubled Waters to widen the pathways to self-sufficiency for homeless youth through education, employment, mental health care and life skills development.
- Friends of Bolton Seniors to provide Bolton senior citizens with fuel, nutrition and financial assistance.
- WHEAT – United Way of Tri-County to fund food security programs.
- The Joseph and Leslie Carr Foundation to feed area families this upcoming holiday season, fill canned food at food banks, and fund a local diaper bank.

- Nashoba Neighbors to fund services that empower seniors to age in place/at home.

Once we get through the week and have the details from Bolton and Lancaster, I can let you know what that broke out to and the admin fees assessed on all police and fire details for this event in Bolton and Lancaster.

It goes without saying, we very much appreciate your patience and understanding.

If you need anything or have any questions at any time, please call or text me on my cell. I will be available 24/7 through the week.

Take care,
~Mike Goggin
617.230.7868

PAR 5 GROUP

Mike Goggin
Tournament Director
LIV Golf Invitational Boston
The International // Sept 2-4
M: +1 (617) 230-7868 // livgolf.com

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

32-3440-4-03
April 29, 2022

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

RECEIVED

AUG 25 2022

Board of Selectmen

Re: **Stow Sand & Gravel (Chisholm)**
Special Permit to Remove Earth Products
March 2022 – Annual Site Inspection

To Whom It May Concern:

As stipulated in the Special Permit to Remove Earth Products (EPR Permit) issued to Stow Sand & Gravel, a site inspection is to be conducted annually in March. The inspection was conducted on Thursday, March 31st, 2022. Kayla Larson of Tighe & Bond, Inc. was on-site to inspect the facility with respect to the operational requirements specified in the most recent EPR permit effective August 14, 2019 to August 14, 2021, extended during the Covid-19 State of Emergency to November 19, 2022. A report of field inspection observations is attached.

Current Activities

There were no excavation activities ongoing at the site, and the site had been inactive through the winter months, since fall of 2021. Sand material remains stockpiled in the center of the excavation area.

Inspection Observations

The base of the excavation remains at an elevation of approximately 350 feet based on the elevation of the nearby monitoring wells, and a topographic plan from August 2015.

Topsoil material from the adjacent Fort Pond, LLC facility remains over the southwest border of the site.

Each of the five groundwater monitoring wells measured within the active excavation area indicated adequate groundwater separation. Groundwater elevations gauged at each well location during the quarterly inspection have been provided in tabular form below. No groundwater was present within any of the accessible wells.

Well ID	Depth to Water (ft.)	Elevation	Groundwater Elevation
MW-1	20.20*	Not Reported	N/A
MW-2	19.00*	353.66	N/A
MW-3	21.90*	356.76	N/A
MW-4	27.30*	355.82	N/A
MW-5	23.90*	371.25	N/A

* Well was dry, measurement to bottom of well

In response to the comments following the previous inspection, the brush surrounding well MW-1 was removed, making MW-1 accessible for this inspection.

The perimeter of the site remains bermed such that stormwater runoff is directed toward the center of the excavation. A chain gate and signage are present at the Fort Pond Road entrance to the facility with signage to the general public present on the access road. Access to the site is available through the Padula's John Deere branch parking lot or through an access path from the Fort Pond LLC. site. Each of the five groundwater monitoring wells measured within the active excavation area indicated adequate groundwater separation.

Corrective Actions

There were no corrective actions noted during this quarterly inspection.

At the beginning of the annual inspection, observation was made of the current status of the New England Power Easement adjacent to and directly East of the permitted phase, which has been noted since the 2016 annual inspection. It appears that equipment and stockpiles are still active within the New England Power Easement. Some topsoil stockpiles that will likely be spread over the area for reclamation, remain within the Easement.

In closing, the operation of the facility appears to be in general conformance with the most recent Special Permit to Remove Earth Products, effective August 14, 2019 through November 19, 2022.

The Special Permit is approaching expiration and a renewal request will be required this year. Tighe & Bond suggests the Town make a renewal request now in advance of the active permit expiration.


The next annual inspection for Stow Sand & Gravel is scheduled for March 2023.

If you have any questions, please contact me at KMLarson@TigheBond.com or (508) 471-9610 or Antonio J. da Cruz at (508) 471-9617 or AJDaCruz@TigheBond.com.

Sincerely,

TIGHE & BOND, INC.


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


Kayla M. Larson, P.E.
Project Manager

Enclosure

Copy: **Lancaster Select Board (w/encl)**

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

Dan Chisholm, Stow Sand & Gravel (w/encl)

File (w/encl)

J:\W\W3440 Lancaster\Chisholm\Inspection Reports\Chisholm Insp Rep 2022-03-31.doc



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

Facility: CHISHOLM
Inspection Date: 3/31/2022
Inspector: KML

Earth Removal Operation is in Permit Compliance ☒ Y ☐ N

Contact: Dan Chisolm
Stow Sand & Gravel, Inc.
390 Goodrich Street
Lunenburg, MA 01462
(978) 815-0968

Active Cell: NONE

Depth of Excavation: ~350'

Comment: BASED ON 2015 TOPO

Description of Current Activities:

NO EXCAVATION OCCURING DURING TIME OF
INSPECTION, NO EVIDENCE OF EXCAVATION
DEEPENING, BASE EXCAVATION.

Dust Issues? ☐ Y ☒ N If yes, comment:

Dust Control Measures In Place:

NONE CURRENTLY.

Erosion and or Stormwater Issues? ☐ Y ☒ N If yes, comment:

Erosion and Stormwater Control Measures In Place:

FACILITY BERMED AROUND SITE PERIMETER.

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

Facility: CHISHOLM
Inspection Date: 3/31/2022
Inspector: KML

Site Security Issues? Y X N If yes, comment:

Site Security Measures In Place:

LOCKING GATE & SIGNAGE AT SITE ENTRANCE.

Groundwater Separation Compliance? Y X N Comments:

GW Well #	Well Elev	Depth to GW	
MW-1	N/A	20.2' *	(BRUSHED CLEARED TO ACCESS)
MW-2	353.66	19.0' *	
MW-3	356.76	21.9' *	
MW-4	355.82	27.3' *	
MW-5	371.25	23.9' *	

* ALL WELLS WERE DRY, DEPTHS ARE
MEASURED TO THE BOTTOM OF THE WELL.

SITE RESTORATION

Restored Grades in Compliance Y X N If no, comment:

N/A - NO RESTORATIONS YET

Depth of Loam: _____

Vegetation Established? _____

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

Facility: CHISHOLM
Inspection Date: 3/31/2022
Inspector: KML

Other Comments:

STOCKPILES OF LOAM ON SITE.

WELL #1 CLEARED OF OVERGROWN BRUSH.

ACCESSED SITE THRU PADULA BROTHERS.

RENEWAL DUE NOVEMBER 2022.

32-3440-11-03
August 10, 2022

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

RECEIVED

AUG 25 2022

Board of Selectmen

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

To Whom It May Concern:

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

Current Activities

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

Inspection Observations

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

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

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

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

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

Corrective Actions

There were no corrective actions noted during this annual inspection.

The continued operation of the facility appears to be in general conformance with the Special Permit to Remove Earth Products, effective August 20, 2020, to August 20, 2022. The next annual inspection is scheduled for June 2023.

The current permit will expire in the next month, and a Special Permit renewal request is required. If the applicant is to let the Special Permit Expire, per Condition 1 of the Special Permit, final elevations shall be submitted on a revised plan by the applicant. If the applicant is to continue with Earth Removal operations, an application, updated site plan, and anticipated excavation volume projections should be submitted to the Select Board.

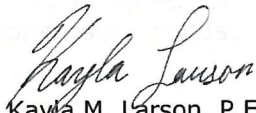
If you have any questions, please contact me at KMLarson@TigheBond.com or (508) 471-9610 or Antonio J. da Cruz at AJDaCruz@TigheBond.com or (508) 471-9617.

Sincerely,

TIGHE & BOND, INC.



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



Kayla M. Larson, P.E.
Project Manager

Enclosures

Copy: Lancaster Select Board (w/encl)

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

James Simpson, LLEC, Inc. (w/encl)

File (w/encl)

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

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

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

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

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

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

Site Security Measures In Place:

Locking gate and signage in place

Groundwater Separation Compliance? ☒ Y ☐ N Comments:

No active excavation occurring during site visit

				Well Elevation
GW Well #	<u>A</u>	Measured Depth to GW:	<u>10.2 ft</u>	<u>318.64</u>
GW Well #	<u>B</u>	Measured Depth to GW:	<u>8.8 ft (dry)</u>	<u>328.84</u>
GW Well #	<u>C</u>	Measured Depth to GW:	<u>9.3 ft (dry)</u>	<u>326.04</u>

SITE RESTORATION

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

Depth of Loam: ≥ 6-inches

Vegetation Established? Yes

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

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

Other Comments:

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

32-3440-3-03
August 10, 2022

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

RECEIVED
AUG 25 2022
Board of Selectmen

Re: **North Lancaster, LLC & New England Specialty Soils, LLC. (Formerly referred to as Harper Site)**
Special Permit to Remove Earth Products
June 2022 – Quarterly Inspection

To Whom It May Concern:

As stipulated in the Special Permit to Remove Earth Products issued to North Lancaster, LLC & New England Specialty Soils, LLC., the June 2022 quarterly site inspection was conducted on Friday June 10, 2022. Kayla Larson and Mehdi Begag of Tighe & Bond were on-site for inspection of the facility and John Toomey of New England Specialty Soils was available for questions with respect to the operational requirements specified in the most recent EPR permit effective February 14, 2020, to November 14, 2021. A report of field inspection observations is attached. The current permit is expired, and a Special Permit renewal is required.

Current Activities

No active excavation was occurring during the time of inspection, however mixing, and stockpiling continues in the center of the Site as well as parcels 9-5 and 14-1. Excavation within Parcel 14-13 and Parcel 14-11A appears to have ceased. Slopes along the borders of the lower site have been graded and seeded in reclamation, with the exception of the vertical face in Parcel 14-13 between well MW-13D and New Well-2. Screening operations have been removed from the central open floor area of Parcel 14-12, yet a screening plant remains in parcel 14-13.

Currently, the majority of Parcels 14-13 and 14-12, and some of 14-11A (which are the base floor of the excavation area) continue to be utilized for the stockpiling and processing of material by New England Specialty Soils, which is a sister-company of Central Massachusetts Sand & Gravel.

Inspection Observations

The previous base of excavation is located at the southwestern portion of Parcel 14-11A at an elevation of approximately 346 feet. The newer excavation at the south west corner of the site is deeper than the previous base excavation and has not been surveyed. The perimeter of the site is bermed, which controls stormwater runoff from leaving the facility, and silt fencing exists along the access road to control erosion into adjacent wetlands.

A total of sixteen groundwater monitoring wells were located around the entire site (11, 11A, 11B, 12, 12A, 13R, 13BR, 13C, 13D, 14, 14A, 15, 16, 17, New Well No. 1, and New Well No. 2). The observed groundwater elevations appeared to demonstrate an adequate 6-feet of groundwater separation at the time of inspection except for well MW-16. The groundwater measurement taken at monitoring well MW-16 was above the 6-foot threshold, at a depth of 6.35 feet, however the groundwater measurement reference was taken from the top of the PVC pipe rather than grade surface, therefore rendering a true groundwater separation of less than 6 feet below grade. Excavation has not occurred near MW-16 in

several years and the inadequate groundwater separation is likely due to recent spring rain events raising the groundwater level. Groundwater levels at this well experienced less than 6-feet of separation during the March 2019 and March 2020 inspections, yet the ground surface has not been driven deeper towards the ground water table.

Referenced elevations for the site, including the top of monitoring wells, are based on elevations and contours provided in a January 2016 survey. The table below details measurements taken onsite.

Well ID	Depth to Water (ft.)	Elevation	Groundwater Elevation
MW-11	23.55	363.07	339.52
MW-11A	6.65	358.19	351.54
MW-11B	25.35	362.88	337.53
MW-12	11.35	366.02	354.67
MW-12A	11.30	365.94	354.64
MW-13BR	17.70*	360.95	N/A
MW-13R	20.10*	361.95	N/A
MW-13C	<i>inaccessible</i>	359.85	N/A
MW-13D	<i>inaccessible</i>	**	N/A
MW-14	12.05	388.81	376.76
MW-14A	12.75	389.62	376.87
MW-15	19.85*	361.61	N/A
MW-16	6.35	367.64	361.29
MW-17	13.15	364.54	351.39
New Well -1	<i>inaccessible</i>	**	N/A
New Well -2	<i>inaccessible</i>	**	N/A

*Well was dry, measurement is to bottom of well

** Well was relocated and new elevation will need to be provided

During changing site elevations and active reclamation, a number of wells have been extended in height with additional plastic piping, making them inaccessible at the ground surface. These wells are not adjacent to active excavation currently, however the plastic well casing should be trimmed to an accessible height for groundwater monitoring.

Dust was not an issue at the time of inspection. NESS has been applying an oil-based dust control spray over the site twice weekly. The site employs a locking gate and signage at its entrance. The entrance to the facility is provided via McGovern Road, which comes in through Parcel 14-3. NESS has also implemented security cameras within the site.

A request to Lauren Baldarelli and John Toomey of New England Specialty Soils was made via email on June 28th for a truck log for the day of inspection, June 10, 2022. A truck count log was provided and indicated that a total of 6 loads had departed the facility on the day of the quarterly inspection. This load total is in compliance with Condition 11 of the EPR Special Permit requiring no more than 70 loads leaving the facility daily.

Corrective Actions

There were no Corrective Actions noted during this inspection, with the exception of the expired special permit. If excavation on site is to continue, wells MW-13C, MW-13D, New Well-1, and New Well -2 should be made accessible for groundwater measurements. The continued operation of the facility appears to be in general conformance with the most recent Special Permit to Remove Earth Products, effective February 14, 2020, to November 14, 2021.

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

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

The next quarterly inspection is scheduled for September 2022, or sooner if upon request for final inspection. If you have any questions, please contact me at KMLarson@tighebond.com or (508) 471-9610 or Antonio J. da Cruz at AJDaCruz@TigheBond.com or (508) 471-9617.

Sincerely,

TIGHE & BOND, INC.



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



Kayla M. Larson, P.E.
Project Manager

Enclosures

Copy: **Lancaster Select Board (w/encl)**

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

Mary-Beth Lovewell, New England Specialty Soils Inc. (w/encl)

John Toomey, New England Specialty Soils Inc. (w/ encl)

File (w/encl)

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

Facility: NESS
Inspection Date: 6/10/2022
Inspector: KM

Earth Removal Operation is in Permit Compliance Y N

Contact:	Mary-Beth Lovewell	Jamie Livesay
	New England Specialty Soils	New England Specialty Soils
	435 Lancaster Street	435 Lancaster Street
	Leominster, MA 01453	Leominster, MA 01453
	(978) 466-1822	(978) 729-4876

Active Cell: Parcels 9-5, 14-1, Potentially 13-4
Depth of Excavation: 350' Comment: 350' Based on 2016 Survey

Description of Current Activities:

Stockpiling, mixing + processing continue in the center of the site,
parcels 9-5, 14-1. Screening plant in parcel 14-13.

Dust Issues? Y XN If yes, comment:

Dust Control Measures In Place:

Dust control regularly applied to Hall Roads

Erosion and or Stormwater Issues? Y XN If yes, comment:

Erosion and Stormwater Control Measures In Place:

Site perimeter Bermed + stabilized

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

Facility: NESS
Inspection Date: 6/10/2022
Inspector: KML

Site Security Issues? Y X N If yes, comment:

Site Security Measures In Place:

Locking Gate + Signage in Place

Groundwater Separation Compliance? Y N Comments:

GW Well #	Well Elev	Depth to GW	GW Well #	Well Elev	Depth to GW
MW-11	363.07	<u>23.55'</u>	MW-13D	355.01	<u>Inaccessible</u>
MW-11A	358.19	<u>6.65'</u>	MW-14	388.81	<u>12.05'</u>
MW-11B	362.88	<u>23.35'</u>	MW-14A	389.62	<u>12.75'</u>
MW-12	366.02	<u>11.35'</u>	MW-15	361.61	<u>19.85' A</u>
MW-12A	365.94	<u>11.30'</u>	MW-16	367.64	<u>6.35'</u>
MW-13BR	360.95	<u>17.70' A</u>	MW-17	364.54	<u>13.15'</u>
MW-13R	361.95	<u>20.10' A</u>	New Well -1	342.05	<u>Inaccessible</u>
MW-13C	359.85	<u>Inaccessible</u>	New Well -2	354.43	<u>Inaccessible</u>

A Dry well, depth to bottom of well

SITE RESTORATION

Restored Grades in Compliance Y N If no, comment:

Previous restoration in panels 13-4, 14-13, 13-3 and plantings on site perimeter slopes

Depth of Loam: ≥ 6-inches

Vegetation Established? Solid vegetation established

Inaccessible wells were raised with additional pipe casings greater than 8-ft above grade. Could not be reached for measurement. No current excavation at these wells.

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

Facility: NESS
Inspection Date: 6/10/2022
Inspector: KML

Other Comments:

Permit expired November 14, 2021, Permit renewal
required

32-3440-3-03
April 29, 2022

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

RECEIVED

AUG 25 2022

Board of Selectmen

Re: **North Lancaster, LLC & New England Specialty Soils, LLC. (Formerly referred to as Harper Site)**
Special Permit to Remove Earth Products
March 2022 – Quarterly Inspection

To Whom It May Concern:

As stipulated in the Special Permit to Remove Earth Products issued to North Lancaster, LLC & New England Specialty Soils, LLC., the March 2022 quarterly site inspection was conducted on Thursday March 31, 2022. Kayla Larson of Tighe & Bond was on-site for inspection of the facility and John Toomey of New England Specialty Soils was available for questions with respect to the operational requirements specified in the most recent EPR permit effective February 14, 2020 to November 14, 2021. A report of field inspection observations is attached.

Current Activities

No active excavation was occurring during the time of inspection, however mixing, and stockpiling continues in parcels 13-3 and 14-1. Excavation within Parcel 14-13 and Parcel 14-11A appears to have ceased. Slopes along the borders of the lower site have been graded and seeded in reclamation, with the exception of the vertical face in Parcel 14-13 between well MW-13D and New Well-2. Screening operations have been removed from the central open floor area of Parcel 14-12, yet a screening plant remains in parcel 13-14.

Currently, the majority of Parcels 14-13 and 14-12, and some of 14-11A (which are the base floor of the excavation area) continue to be utilized for the stockpiling and processing of material by New England Specialty Soils, which is a sister-company of Central Massachusetts Sand & Gravel.

Inspection Observations

The previous base of excavation is located at the southwestern portion of Parcel 14-11A at an elevation of approximately 346 feet. The newer excavation at the south west corner of the site is deeper than the previous base excavation and has not been surveyed. The perimeter of the site is bermed, which controls stormwater runoff from leaving the facility, and silt fencing exists along the access road to control erosion into adjacent wetlands.

A total of sixteen groundwater monitoring wells were located around the entire site (11, 11A, 11B, 12, 12A, 13R, 13BR, 13C, 13D, 14, 14A, 15, 16, 17, New Well No. 1, and New Well No. 2). The observed groundwater elevations appeared to demonstrate an adequate 6-feet of groundwater separation at the time of inspection except for well MW-16. The groundwater measurements taken at monitoring well MW-16 was below the 6-foot threshold, at a depth of 5 feet 4 inches. However, excavation has not occurred near MW-16 in several years and the inadequate groundwater separation is likely due to recent spring rain events. Groundwater levels at this well experienced less than 6-feet of separation during the March 2019 and March 2020 inspections, yet the ground surface has not been driven deeper towards the ground water table.

Referenced elevations for the site, including the top of monitoring wells, are based on elevations and contours provided in a January 2016 survey. The table below details measurements taken onsite.

Well ID	Depth to Water (ft.)	Elevation	Groundwater Elevation
MW-11	23.50*	363.07	N/A
MW-11A	7.30	358.19	350.89
MW-11B	24.25	362.88	338.63
MW-12	9.70	366.02	356.32
MW-12A	9.75	365.94	356.19
MW-13BR	17.70*	360.95	N/A
MW-13R	20.10*	361.95	N/A
MW-13C	<i>inaccessible</i>	359.85	N/A
MW-13D	<i>inaccessible</i>	**	N/A
MW-14	10.25	388.81	378.56
MW-14A	10.90	389.62	378.72
MW-15	19.85*	361.61	N/A
MW-16	5.40	367.64	362.24
MW-17	11.60	364.54	352.94
New Well -1	<i>inaccessible</i>	**	N/A
New Well -2	<i>inaccessible</i>	**	N/A

*Well was dry, measurement is to bottom of well

** Well was relocated and new elevation will need to be provided

During changing site elevations and active reclamation, a number of wells have been extended in height with additional plastic piping, making them inaccessible at the ground surface. These wells are not adjacent to active excavation currently, however the plastic well casing should be trimmed to an accessible height for groundwater monitoring.

Dust was not an issue at the time of inspection. NESS has been applying an oil-based dust control spray over the site twice weekly. The site employs a locking gate and signage at its entrance. The entrance to the facility is provided via McGovern Road, which comes in through Parcel 14-3. NESS has also implemented security cameras within the site.

A request to Lauren Baldarelli and John Toomey of New England Specialty Soils was made via email on April 14th for a truck log for the day of inspection, March 31, 2022. A truck count log was provided and indicated that a total of 17 loads had departed the facility on the day of the quarterly inspection. This load total is in compliance with Condition 11 of the EPR Special Permit requiring no more than 70 loads leaving the facility daily.

Corrective Actions

There were no Corrective Actions noted during this inspection, with the exception of the expired special permit. If excavation on site is to continue, wells MW-13C, MW-13D, New Well-1, and New Well -2 should be made accessible for groundwater measurements. The continued operation of the facility appears to be in general conformance with the most recent Special Permit to Remove Earth Products, effective February 14, 2020 to November 14, 2021.



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

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

The next quarterly inspection is scheduled for June 2022, or sooner if upon request for final inspection. If you have any questions, please contact me at KMLarson@tighebond.com or (508) 471-9610 or Antonio J. da Cruz at AJDaCruz@TigheBond.com or (508) 471-9617.

Sincerely,

TIGHE & BOND, INC.



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



Kayla M. Larson, P.E.
Project Manager

Enclosures

Copy: **Lancaster Select Board (w/encl)**

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

Mary-Beth Lovewell, New England Specialty Soils Inc. (w/encl)

John Toomey, New England Specialty Soils Inc. (w/ encl)

File (w/encl)

J:\W\W3440 Lancaster\Harper\Inspection Reports\Harper Insp Rep 2022-03-31.doc



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

Facility: NESS
Inspection Date: 3/31/2022
Inspector: KML

Earth Removal Operation is in Permit Compliance ☐ Y ☐ N

Contact: Mary-Beth Lovewell New England Specialty Soils 435 Lancaster Street Leominster, MA 01453 (978) 466-1822	Jamie Livesay New England Specialty Soils 435 Lancaster Street Leominster, MA 01453 (978) 729-4876
--	--

Active Cell: NONE ACTIVE DURING INSPECTION

Depth of Excavation: ~350' Comment: 350' BASED ON 2010

Description of Current Activities: SURVEY

STOCKPILING, MIXING + PROCESSING CONTINUE
IN THE CENTER OF THE SITE, PARCELS
13-3, 14-1. SCREENING PLANT IN PARCEL
13-14.

Dust Issues? ☐ Y ☒ N If yes, comment:

Dust Control Measures In Place:

DUST CONTROL REGULARLY APPLIED TO HILL ROADS.

Erosion and or Stormwater Issues? ☐ Y ☒ N If yes, comment:

Erosion and Stormwater Control Measures In Place:

SITE PERIMETER BERMED + STABILIZED

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

Facility: NESS
Inspection Date: 3/31/2022
Inspector: KML

Site Security Issues? Y XN If yes, comment:

Site Security Measures In Place:

LOCKING GATE + SIGNAGE IN PLACE.

Groundwater Separation Compliance? Y N Comments:

GW Well #	Well Elev	Depth to GW	GW Well #	Well Elev	Depth to GW
MW-11	363.07	23.50'	MW-13D	355.01	inaccessible
MW-11A	358.19	7.30'	MW-14	388.81	10.25'
MW-11B	362.88	24.25'	MW-14A	389.62	10.90'
MW-12	366.02	9.70'	MW-15	361.61	19.85' *
MW-12A	365.94	9.75'	MW-16	367.64	5.4'
MW-13BR	360.95	17.70' *	MW-17	364.54	11.60'
MW-13R	361.95	21.10' *	New Well -1	342.05	inaccessible
MW-13C	359.85	inaccessible	New Well -2	354.43	inaccessible

* DRY WELL, DEPTH TO BOTTOM OF WELL

SITE RESTORATION

Restored Grades in Compliance Y N If no, comment:

RESTORATION IN PARCELS 13-4, 14-13, 13-3 AND
PLANTINGS ON SITE PERIMETER SLOPES.

Depth of Loam: 2 1/2 10-INCHES

Vegetation Established? SOLID VEGETATION ESTABLISHED

INACCESSIBLE WELLS WERE RAISED WITH
ADDITIONAL PIPE CASINGS GREATER THAN
8-FT ABOVE GRADE. COULD NOT BE
REACHED FOR MEASUREMENT. NO CURRENT
EXCAVATION AT THESE WELLS.

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

Facility: NESS
Inspection Date: 3/31/22
Inspector: KML

Other Comments:

PERMIT EXPIRED NOVEMBER 14, 2021
PERMIT RENEWAL REQUIRED.

32-3440-6-03
August 10, 2022

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

RECEIVED

AUG 25 2022

Re: **J. E. Kanis, Inc.**
Special Permit to Remove Earth Products
July 2022 - Annual Inspection

Board of Selectmen

To Whom it May Concern:

As stipulated in the Special Permit to Remove Earth Products issued to J. E. Kanis, Inc., the July 2022 annual site inspection was conducted on Tuesday, July 19, 2022. Mehdi Begag of Tighe & Bond, Inc, was on-site to inspect the facility with respect to the operational requirements specified in the permit. John Kanis of J. E. Kanis, Inc. and John Farnsworth of Farnsworth Engineering Associates were on-site at the time of the inspection. The field inspection report is attached.

Current Activities

Currently, material continues to be removed from the northern face of the excavation as indicated in the site plan provided with the 2021 permit renewal application. Currently Kanis estimates around 4 loads per day are hauled out of the site.

Inspection Observations

The elevation of excavation is at approximately 244 feet based on observations made and the permit renewal site plan dated 5/21/2021. Excavations continue to progress in a north easterly direction in agreement with the most recently submitted permit renewal site plan. Approximately 4.0 acres within the previously active excavation area has been reclaimed with loam, and native vegetative growth has continued to become established.

Gauging was conducted at monitoring well locations MW-1, MW-2, MW-3, and MW-4. Gauging was also conducted at the newly installed groundwater monitoring well MW-5 located in the northern portion of the Site where excavation is ongoing. The depth to groundwater ranged from 5.33 feet to 20.60 feet in these wells. Through visual observations it appears that groundwater elevation is well below the base floor elevation. It should also be noted that groundwater separation compliance has been waived as a condition of the most recent EPR permit.

The site is bermed around the perimeter, with a majority of the site being previously reclaimed. Vegetation is well established on the restored and reclaimed areas of the previous open excavation. A gate and signage to the general public was present at the entrance to the facility, and site security did not appear to be an issue.

Corrective Actions

There are no corrective actions recommended as a result of this most recent inspection.

A new Special Permit renewal 2-year extension was previously submitted to the Town on May 17, 2021, for select board approval, to extend the permit from August 19, 2021, to August 19, 2023. The continued operation of the facility appears to be in general conformance with the most recent Special Permit to Remove Earth Products effective between August 19, 2021, and August 19, 2023.

The next scheduled annual inspection is scheduled for June 2023. If you have any questions, please contact me at (508) 471-9610 or KMLarson@TigheBond.com or Antonio J. da Cruz at (508) 471-9617 or AJDaCruz@TigheBond.com.

Sincerely,

TIGHE & BOND, INC.



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



Kayla M. Larson, P.E.
Project Manager

Enclosures

Copy: **Lancaster Select Board (w/encl)**

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

J. E. Kanis, Inc. (w/encl)

John Farnsworth, Farnsworth Engineering Associates (w/encl)

File (w/encl)

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

Facility: JE KANIS, INC.
Inspection Date: 7/19/2022
Inspector: M.B.

Earth Removal Operation is in Permit Compliance <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Contact: John Farnsworth DeFalco Engineering 35 Pine Hill Road Lancaster, MA 01523 (978) 368-7931	
Active Cell: <u>North end of pit</u>	Depth of Excavation: <u>~ 244</u> Comment: <u>Based on 5/21/21 Plan</u>
Description of Current Activities: <ul style="list-style-type: none">- Excavation activities ongoing at northern end of pit, not observed at time of inspection- Screening plants currently not in use	
Dust Issues? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, comment:	
Dust Control Measures In Place: <u>Dust has not been an issue according to John Kanis</u>	
Erosion and or Stormwater Issues? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, comment:	
Erosion and Stormwater Control Measures In Place: <u>Site is reclaimed, perimeter is bermed and directs runoff towards the center of excavation</u>	

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

Facility: JE KANIS, Inc.
Inspection Date: 7/19/22
Inspector: M.B.

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

Site Security Measures In Place:

Locking gate and signage in place, no evidence of entry

Groundwater Separation Compliance? ☒ Y ☐ N Comments:

Groundwater compliance condition waived

GW Well # <u>1</u>	Measured Depth to GW: <u>11.05' (Dry)</u>
GW Well # <u>2</u>	Measured Depth to GW: <u>9.23'</u>
GW Well # <u>3</u>	Measured Depth to GW: <u>20.6'</u>
GW Well # <u>4</u>	Measured Depth to GW: <u>5.33'</u>
GW Well # <u>5 (installed July 2021)</u>	Measured Depth to GW: <u>6.75', depth to bottom: 9.95'</u>
GW Well # _____	Measured Depth to GW: _____

SITE RESTORATION

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

Depth of Loam: ~ 9 inches

Vegetation Established?

Vegetation in reclamation area well established

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

Facility: JE KANIS INC
Inspection Date: 7/19/2022
Inspector: M.B.

Other Comments:

★ John Kanis and John Farnsworth on Site for the Inspection

★ Since the previous June 2021 inspection, a new groundwater monitoring well was installed in the northern portion of the Site where construction/excavation activities were active

32-3440-14-03
August 10, 2022

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

RECEIVED

AUG 25 2022

Board of Selectmen

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

To Whom It May Concern:

As stipulated in the Special Permit to Remove Earth Products issued to Fort Pond LLC., the summer 2022 quarterly site inspection was conducted on Friday June 10, 2022. Kayla Larson and Mehdi Begag of Tighe & Bond were on-site for inspection of the facility with respect to the operational requirements specified in the most recent EPR permit effective October 19, 2021, to January 24, 2023. A report of field inspection observations is attached.

Current Activities

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

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

Inspection Observations

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

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

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

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

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

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

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

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

Well ID	Depth to Water (ft.)	Elevation	Groundwater Elevation
MW-2C	9.95*	367.27	N/A
MW-2A	<i>removed</i>	**	N/A
MW-2D	20.55*	367.55	N/A
MW-4B	22.9	**	N/A
Phase X-1	<i>inaccessible</i>	355.09	N/A
Phase X-2	18.65*	351.50	N/A
Phase X-3	22.00*	**	N/A
Phase I-1	Too shallow (rocks)	368.50	N/A

* Well was dry, measurement to bottom of well

** New elevation needed following resetting of well

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

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

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

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

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

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

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

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

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

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

A request for truck load logs was made via email to W.J. Graves Construction following the inspection detailing the number of truck loads hauled from site on the date of inspection, June 10, 2022. Graves indicated that 4 trucks hauled Graded Base material off site on the day of inspection. This loading event satisfied Condition 11 of the EPR Special Permit requiring no more than 70 loads leaving the facility daily.

Corrective Actions

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

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

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

Sincerely,

TIGHE & BOND, INC.



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



Kayla M. Larson, P.E.
Project Manager

Enclosure

Copy: **Lancaster Select Board (w/encl)**

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

James Fletcher, Fort Pond LLC (w/encl)

File (w/encl)

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

Facility: Fort Pond LLC
Inspection Date: 6/10/2022
Inspector: KML

Earth Removal Operation is in Permit Compliance ☒ Y ☐ N

Contact: Mr. James Fletcher,
Manager, Fort Pond, LLC
c/o W.J. Graves Construction Co, Inc.
P.O. Box 401
192 Depot Road, East Templeton, MA
01438-0401
T: (978)-939-5568 Ext. 12
F: (978)-939-5295
C: (978)-580-4123

Active Cell: No active excavation

Depth of Excavation: 350 ~ 360' Comment: No change in base elevation

Description of Current Activities:

Solar installation appears complete

Minimal excavation activities occurring since last site visit

Dust Issues? ☐ Y ☒ N If yes, comment:

Dust Control Measures In Place:

No dust observed, water truck used regularly on site

Erosion and or Stormwater Issues? ☐ Y ☒ N If yes, comment:

Erosion and Stormwater Control Measures In Place:

Site bermed around perimeter. No erosion observed

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

Facility: Fort Pond LLC
Inspection Date: 6/10/2022
Inspector: KML

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

Some ATV tracks still observed

Site Security Measures In Place:

Locking gate and signage in place

Groundwater Separation Compliance? ☐ Y ☐ N Comments:

GW Well #	Well Elev	Depth to GW	GW Well #	Well Elev	Depth to GW
MW-2C	367.27	9.95' <input checked="" type="checkbox"/>	B-103-OW	350.86	Reclaimed Solar Area
MW-2A	361.58	Inaccessible	MW-4B	360.93	22.9'
MW-2D	367.55	20.55' <input checked="" type="checkbox"/>	MW-5B	348.75	Reclaimed Solar Area
MW-3 (source well)	N/A	Reclaimed Solar Area	MW-7B	350.76	"
MW-3B	355.32	Reclaimed Solar Area	MW-9A	354.33	"
Phase X-1	355.09	Inaccessible (too high)	Phase 1-1	368.5	Too shallow - rocks
Phase X-2		18.65' <input checked="" type="checkbox"/>			
Phase X-3		22.00' <input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/> Well dry, Depth to bottom of well					

SITE RESTORATION

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

Depth of Loam: ± 9 inches

Vegetation Established? Yes

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

Facility: Fort Pond LLC
Inspection Date: 6/10/2022
Inspector: KML

Other Comments:

Current Permit active

OCT 19, 2021 - January 24, 2023

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

Phase X-I Well too high to access

32-3440-14-03
April 29, 2022

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

RECEIVED

AUG 25 2022

Board of Selectmen

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

To Whom It May Concern:

As stipulated in the Special Permit to Remove Earth Products issued to Fort Pond LLC., the spring 2022 quarterly site inspection was conducted on Thursday March 31, 2022. Kayla Larson of Tighe & Bond was on-site for inspection of the facility with respect to the operational requirements specified in the most recent EPR permit effective October 19, 2021 to January 24, 2023. A report of field inspection observations is attached.

Current Activities

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

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

Inspection Observations

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

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

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

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

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

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

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

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

Well ID	Depth to Water (ft.)	Elevation	Groundwater Elevation
MW-2C	7.80	367.27	N/A
MW-2A	<i>removed</i>	**	N/A
MW-2D	17.70	367.55	N/A
MW-4B	20.30	**	N/A
Phase X-1	<i>inaccessible</i>	355.09	N/A
Phase X-2	15.95	351.50	N/A
Phase X-3	23.50*	**	N/A
Phase I-1	3.20*	368.50	N/A

* Well was dry, measurement to bottom of well

** New elevation needed following resetting of well

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

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

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

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

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

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

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

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

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

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

A request for truck load logs was made via email to W.J. Graves Construction following the inspection detailing the number of truck loads hauled from site on the date of inspection, March 31, 2022. Graves indicated that no trucks hauled any material off site on the day of inspection. Condition 11 of the EPR Special Permit requires no more than 70 loads leaving the facility daily.

Corrective Actions

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

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

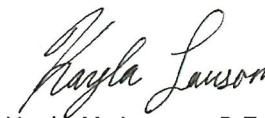
The next quarterly inspection for Fort Pond LLC is scheduled for June 2022. If you have any questions, please contact Kayla Larson at KMLarson@TigheBond.com or (508) 471-9610, or Antonio J. da Cruz at AJDaCruz@TigheBond.com or (508) 471-9617.

Sincerely,

TIGHE & BOND, INC.



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



Kayla M. Larson, P.E.
Project Manager

Enclosure

Copy: Lancaster Select Board (w/encl)

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

James Fletcher, Fort Pond LLC (w/encl)

File (w/encl)



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

Facility: FORT POND LLC
Inspection Date: 3/31/2022
Inspector: KML

Earth Removal Operation is in Permit Compliance <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Contact:	Mr. James Fletcher, Manager, Fort Pond, LLC c/o W.J. Graves Construction Co, Inc. P.O. Box 401 192 Depot Road, East Templeton, MA 01438-0401 T: (978)-939-5568 Ext. 12 F: (978)-939-5295 C: (978)-580-4123
Active Cell:	<u>NO ACTIVE EXCAVATION</u>
Depth of Excavation:	<u>N350~360</u> Comment: <u>NO CHANGE IN BASE ELEVATION</u>
Description of Current Activities:	
<u>SOLAR INSTALLATION CONTINUES.</u>	
<u>MINIMAL EXCAVATION ACTIVITIES OCCURRING</u> <u>SINCE THE LAST SITE VISIT.</u>	
Dust Issues? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, comment:	
Dust Control Measures In Place:	
<u>NO DUST OBSERVED, WATER TRUCK</u> <u>USED REGULARLY ON SITE.</u>	
Erosion and or Stormwater Issues? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, comment:	
Erosion and Stormwater Control Measures In Place:	
<u>SITE PERMED AROUND PERIMETER. NO</u> <u>EROSION OBSERVED.</u>	

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

Facility: FORT POND LLC
Inspection Date: 3/31/2022
Inspector: KML

Site Security Issues? X Y N If yes, comment:

ATV + BIKING TRACKS STILL OBSERVED.

Site Security Measures In Place:

LOCKING GATE & SIGNAGE IN PLACE.

Groundwater Separation Compliance? Y N Comments:

GW Well #	Well Elev	Depth to GW	GW Well #	Well Elev	Depth to GW
MW-2C	367.27	7.80'	B-103-OW	350.86	RECLAIMED
MW-2A	361.58	REMOVED	MW-4B	360.93	20.30'
MW-2D	367.55	17.70'	MW-5B	348.75	RECLAIMED
MW-3 (source well)	N/A	RECLAIMED AREA	MW-7B	350.76	"
MW-3B	355.32	RECLAIMED AREA	MW-9A	354.33	"
Phase X-1	355.09	INACCESSIBLE			
Phase X-2		15.95'			
Phase X-3		23.50' *			
* WELL DRY, DEPTH TO BOTTOM OF WELL					

SITE RESTORATION

Restored Grades in Compliance ✓ Y N If no, comment:

PHASES 5, 7 AND 9 WERE PROPERLY RECLAIMED,
PORTIONS ARE NOW UNDER CONSTRUCTION.

Depth of Loam: +/- 9-INCHES

Vegetation Established? YES

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

Facility: FORT POND LLC
Inspection Date: 3/31/2022
Inspector: KML

Other Comments:

CURRENT PERMIT ACTIVE

OCT 19, 2021 - JAN 24, 2023

WELL MW-4B FOUND BEHIND STOCKPILE,
MW-2A STILL APPEARS TO HAVE BEEN
REMOVED / BURIED.

PHASE X-1 WELL TOO HIGH TO ACCESS.

32-3440-8-03
August 10, 2022

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

RECEIVED

AUG 25 2022

Board of Selectmen

Re: **P.J. Keating Company**
Special Permit to Remove Earth Products
June 2022 – Quarterly Inspection

To Whom It May Concern:

As stipulated in the Special Permit to Remove Earth Products issued to P.J. Keating Co., the Summer 2022 quarterly site inspection was conducted on Friday, June 10, 2022. Kayla Larson and Mehdi Begag of Tighe & Bond and Cody Delaney, of P.J. Keating Co were on-site to inspect the facility with respect to the operational requirements specified in the most recent EPR permit effective March 7, 2022, to November 25, 2022. The June 2022 inspection performed by Tighe & Bond was based on the most recent permit conditions. A report of field inspection observations is attached.

Current Activities

The site has been in operation since Spring of 2022 upon resuming after winter maintenance was completed. No blasting was occurring during the time of inspection, but it was reported that blasting had occurred earlier in the week on the 3rd bench in the northern portion of the Site. Facility activities continued on the 3rd bench on the date of this inspection. Screening, crushing, and stockpiling were occurring on the referenced bench in the northern perimeter of the quarry. The primary focus area for excavation in 2022 will be lowering the base elevation of the quarry. Two water trucks were observed during the Site inspection and are actively watering the haul roads and base of excavation daily; however, dust accumulation was observed during the inspection upon Site entry. PJ Keating has contracted a third-party sweeping subcontractor in addition to their own sweeper, and two sweeper trucks were noted on Site during the inspection. Sweeping of the site is occurring daily Monday through Friday at the site, including the roadway crossing. Water for dust control was being used from the stormwater catchment area at the base of the quarry.

Inspection Observations

The base of the excavation exists within the south/southeastern corner and dips approximately 50 feet below the upper floor elevation of 280 feet, to elevation 230 feet. The base is actively being excavated deeper towards the next phase of 180 feet elevation. Excavation was noted to be slower than expected, due to pump issues causing a delay in dewatering efforts.

There did not appear to be any site security issues, and gates and signage were located at the entrance to the facility.

The stormwater pump was not active at the time of the inspection. For the purposes of measuring the stormwater pumping volume since previous the March 2022 inspection, readings taken from the lower quarry Greyline IR flow meter (installed 6/10/2016) were utilized for consistency. The totalized reading taken from the lower quarry flow meter during the March 2022 inspection was 469,607,616 gallons. The June 2022 inspection reading

taken from the flow meter was 474,371,422 gallons. This equates to approximately 2-million gallons per month, which is consistent with previous records.

The lower quarry Greyline Doppler infrared flow meter is actively recording flow data but is no longer the only flow meter on the pumped stormwater line from the quarry sump. As required in the Earth Removal Permit conditions, a second flow meter was installed on 2/15/2022 to record flow measurements to ensure consistency of reported pumped stormwater flow. The first reading of the new meter in Spring 2022 was 17,729,000 gallons. The second reading of the new meter during this inspection was 34,976,000 gallons. Given the 2.4-month gap between the Spring and Summer 2022 inspections, this equates to approximately 7.3-million gallons per month flow rate. The two meters will again be read at the fall 2022 inspection to compare flow volumes pumped. The differences between the two different meter readings will be discussed with PJ Keating will on site to understand potential reasons for inconsistency in the readings between the new and old meter.

PJ Keating reported that NAR Geological Consulting and Services continues to visit the site regularly to perform groundwater monitoring and reports annually to the Lancaster Select Board.

Corrective Actions

There were no Corrective Actions noted during this inspection.

In closing, the operation of the facility as observed during the quarterly inspection is in general conformance with the Special Permit to Remove Earth Products, effective March 7, 2022, through November 25, 2022. The next quarterly inspection is scheduled for September 2022.

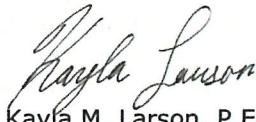
If you have any questions, please contact me at KMLarson@tighebond.com or (508) 471-9610 or Antonio J. da Cruz at AJDaCruz@TigheBond.com or (508) 471-9617.

Sincerely,

TIGHE & BOND, INC.



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



Kayla M. Larson, P.E.
Project Manager

Enclosures

Copy: **Lancaster Select Board (w/encl)**

Brian Gingras, Building Inspector/Zoning Enforcement Officer (w/encl)
Doug Vigneau, P.J. Keating Company (w/encl)
Cody Delaney, P.J. Keating Company (w/encl)
Robert Robinson, P.J. Keating Company (w/encl)
Stephen Mullaney, S.J. Mullaney Engineering (w/encl)
File (w/encl)



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

Facility: PJ Keating
Inspection Date: 6/10/2022
Inspector: KML

Earth Removal Operation is in Permit Compliance ☒ Y ☐ N

Contact:	Moe Langlois	Cody Delaney	P.J.
	P.J. Keating, Co.	Keating, Co.	
	988 Lunenburg Road	988 Lunenburg Road	
	Lunenburg, MA 01462	Lunenburg, MA 01462	
	(978) 582-5240;	(978) 502-6097	
	Cell: (978) 855-5923		

Active Cell: third bench on North side of site

Depth of Excavation: ~230'

Comment: Current base from PJ Keating Records

Description of Current Activities:

- Activity focus on third bench on north side of Site
- Blasting occurred earlier in the week
- Dewatering issues on quarry floor mentioned

Dust Issues? ☒ Y ☐ N If yes, comment:

Dust accumulation observed during Site entrance on 6/10/2022

Dust Control Measures In Place:

2 water trucks on Site, as well as 2 sweeper trucks

Erosion and or Stormwater Issues? ☐ Y ☒ N If yes, comment:

Erosion and Stormwater Control Measures In Place:

Site bermed around perimeter. Stormwater sloped to sump @ base of Quarry.

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

Facility: PJ Keating
Inspection Date: 6/10/2022
Inspector: KML

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

Site Security Measures In Place:

Locking gate and signage in place

Groundwater Separation Compliance? ☐ Y ☐ N Comments:

GW Well #	Well Elev	Depth to GW	GW Well #	Well Elev	Depth to GW
-----------	-----------	-------------	-----------	-----------	-------------

N/A

Meters read by consultant

SITE RESTORATION

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

N/A - No restoration at this time

Depth of Loam: _____

Vegetation Established? _____

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

Facility: PJ Keating
Inspection Date: 6/10/2022
Inspector: KML

Other Comments:

Cody Delaney of PJ Keating on Site

Two stormwater sump pump meters on Site:

- 1) Greyline Instruments
Doppler Flow Meter Totalizer
Installed 6/10/2016

March (3/31/22): 469,607,616 GAL
June (6/10/22): 474,371,422 GAL

Δ Total Pump Flow = 4,763,806 over 2.37 months
~ 2.0 MG/Month

- 2) Badger Meter
Installed 2/15/2022

March (3/31/22): 17,729,000
June (6/10/22): 34,976,000

Δ Total Pump Flow = 17,247,000 over 2.37 months
~ 7,300,000-Gal/Month

32-3440-8-03
April 29, 2022

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

RECEIVED

AUG 25 2022

Board of Selectmen

Re: **P.J. Keating Company**
Special Permit to Remove Earth Products
March 2022 – Quarterly Inspection

To Whom It May Concern:

As stipulated in the Special Permit to Remove Earth Products issued to P.J. Keating Co., the Spring 2022 quarterly site inspection was conducted on Thursday, March 31, 2022. Kayla Larson of Tighe & Bond and Cody Delaney, of P.J. Keating Co were on-site to inspect the facility with respect to the operational requirements specified in the most recent EPR permit effective March 7, 2022 to November 25, 2022. The March 2022 inspection performed by Tighe & Bond was based on the most recent permit conditions. A report of field inspection observations is attached. In the newest Earth Removal Permit renewal, the amount of the Surety Bond was increased to \$500,000 value. P.J. Keating provided proof of bond to the Town of Lancaster and Tighe & Bond on April 7, 2022.

Current Activities

The site had been closed for winter maintenance and had resumed operation yesterday. Rock was actively being crushed and removed in the center of the quarry. No blasting was occurring during the time of inspection, but active excavation continues on the 2nd bench and the 4th bench. Screening, crushing and stockpiling were occurring on the bench tier on the north west perimeter of the quarry. The primary focus area for excavation in 2022 will be lowering the base elevation of the quarry. A water truck is scheduled to be on site beginning April 4th, 2022 and will actively water the haul roads and base of excavation daily; no dust was observed. PJ Keating has contracted a third-party sweeping subcontractor in addition to their own sweeper. Sweeping of the site will occur daily Monday through Friday at the site, including the roadway crossing. Water for dust control was being used from the stormwater catchment area at the base of the quarry.

Inspection Observations

The base of the excavation exists within the south/southeastern corner and dips approximately 50 feet below the upper floor elevation of 280 feet, to elevation 230 feet. The base is actively being excavated deeper towards the next phase of 180 feet elevation.

There did not appear to be any site security issues, and gates and signage were located at the entrance to the facility. As discussed at a recent Select Board meeting, the Lancaster Fire Department is expected to visit the site next week to review the safety site fencing surrounding the quarry.

For the purposes of measuring the stormwater pumping volume since previous the October 2021 inspection, readings taken from the lower quarry Greyline IR flow meter (installed 6/10/2016) were utilized for consistency. The totalized reading taken from the lower quarry flow meter during the October 2021 inspection was 456,456,142 gallons. The March 2022 inspection reading taken from the flow meter was 469,607,616 gallons. This equates to

approximately 2.5-million gallons per month, which is consistent with previous records during winter lower rainfall seasons.

The lower quarry Greyline Doppler infrared flow meter is actively recording flow data, but is no longer the only flow meter on the pumped stormwater line from the quarry sump. As required in the Earth Removal Permit conditions, a second flow meter was installed on 2/15/2022 to record flow measurements to ensure consistency of reported pumped stormwater flow. The first reading of the new meter was 17,729,000 gallons. Future readings will be compared for consistency between the two flow meters. The stormwater pump was not active at the time of the inspection. Pumping will likely increase with increased rainfall during the spring months at the site. PJ Keating reported that NAR Geological Consulting and Services continues to visit the site regularly to perform groundwater monitoring and reports annually to the Lancaster Select Board.

Corrective Actions

There were no Corrective Actions noted during this inspection.

In closing, the operation of the facility as observed during the quarterly inspection is in general conformance with the Special Permit to Remove Earth Products, effective March 7, 2022 through November 25, 2022. The next quarterly inspection is scheduled for June 2022.

If you have any questions, please contact me at KMLarson@tighebond.com or (508) 471-9610 or Antonio J. da Cruz at AJDaCruz@TigheBond.com or (508) 471-9617.

Sincerely,

TIGHE & BOND, INC.



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



Kayla M. Larson, P.E.
Project Engineer

Enclosures

Copy: Lancaster Select Board (w/encl)

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

Doug Vigneau, P.J. Keating Company (w/encl)

Cody Delaney, P.J. Keating Company (w/encl)

Robert Robinson, P.J. Keating Company (w/encl)

Stephen Mullaney, S.J. Mullaney Engineering (w/encl)

File (w/encl)

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

Facility: PJ KEATING
Inspection Date: 3/31/2022
Inspector: KML

Earth Removal Operation is in Permit Compliance ☒ Y ☐ N

Contact: Moe Langlois	Cody Delaney	P.J.
P.J. Keating, Co.	Keating, Co.	
988 Lunenburg Road	988 Lunenburg Road	
Lunenburg, MA 01462	Lunenburg, MA 01462	
(978) 582-5240;	(978) 502-6097	
Cell: (978) 855-5923		

Active Cell: QUARRY FLOOR & UPPER BENCH

Depth of Excavation: ~230' Comment: CURRENT BASE FROM
Description of Current Activities: PJ KEATING RECORDS.

START-UP FOLLOWING WINTER SHUTDOWN,
QUARRY RE-OPENED YESTERDAY.

NO BLASTING CURRENTLY.

ACTIVITY FOCUS ON LOWERING DEPTH OF BASE.

Dust Issues? ☐ Y ☒ N If yes, comment:

NO DUST OBSERVED.

Dust Control Measures In Place:

WATER TRUCK & TWO SWEEPER TRUCKS
TO BE STARTING UP FOR THE SEASON NEXT
WEEK.

Erosion and or Stormwater Issues? ☐ Y ☒ N If yes, comment:

Erosion and Stormwater Control Measures In Place:

SITE BERMED AROUND PERIMETER.
STORMWATER SLOPED TO SUMP @ BASE OF
QUARRY.

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

Facility: PJ KEATING
Inspection Date: 3/31/2022
Inspector: KML

Site Security Issues? Y X N If yes, comment:

LANCASTER FIRE DEPT TO BE ON SITE
NEXT WEEK TO REVIEW SITE PERIMETER
SAFETY FENCING + SIGNAGE.

Site Security Measures In Place:

LOCKING GATE & SIGNAGE IN PLACE.

Groundwater Separation Compliance? Y N Comments:

GW Well #	Well Elev	Depth to GW	GW Well #	Well Elev	Depth to GW
-----------	-----------	-------------	-----------	-----------	-------------

N/A

METERS READ BY CONSULTANT N/A &
REPORTED ANNUALLY.

SITE RESTORATION

Restored Grades in Compliance Y N If no, comment:

N/A - NO RESTORATION AT THIS TIME.

Depth of Loam:

Vegetation Established?

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

Facility: PJ KEATING
Inspection Date: 3/31/2022
Inspector: KML

Other Comments:

CODY DELAY OF PJ KEATING ON SITE.

TWO STORMWATER SUMP PUMP METERS
NOW ON SITE.

1. GREYLINE INSTRUMENTS
DOPPLER FLOW METER TOTALIZER
INSTALLED 6/10/2016

OCTOBER (10/26/21): 456,456,148 GAL
MARCH (3/31/22): 469,667,616 GAL

Δ TOTAL PUMPED FLOW = 13,151,474
OVER 5+ MONTHS
~ 2.5 MG / MONTH

2. BADGER METER
INSTALLED 2/15/2022

MARCH (3/31/22): 17,729