



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

I. CALL TO ORDER

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

Join Zoom Meeting

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

Meeting ID: 848 4312 4092

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

II. APPROVAL OF MEETING MINUTES

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

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

III. SCHEDULED APPEARANCES & PUBLIC HEARINGS

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

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

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

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

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

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

Comments from the Select Board following the presentation included:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE
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V. PUBLIC COMMENTS - NONE

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

VI. TOWN ADMINISTRATOR REPORT

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

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

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

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

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

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

VII. ADMINISTRATION, BUDGET, AND POLICY
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1. **Discussion and review Special Town Meeting Draft Warrant (Interim Town Administrator)**

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

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

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

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

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

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

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

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

4. Review of Interim Town Administrator priorities (Allison)

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

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

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

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

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

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

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

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

6. Discuss Open Meeting Law Determination (Turner)

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

VIII. APPOINTMENTS AND RESIGNATIONS - NONE

Appointments

Affordable House Trust

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

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

Recreation Committee

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

Zoning Board of Appeals

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

Resignations

Recreation Committee

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

IX. LICENSES AND PERMITS

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

United Ag and Turf NE, LLC – Class I License

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

Sandee's Restaurant - Common Victualler

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

X. OTHER/UNFINISHED BUSINESS

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

XI. NEW BUSINESS

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

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

XII. COMMUNICATIONS

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

XIII. ADJOURNMENT

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

Respectfully submitted

Kathleen Rocco
Executive Assistant

Jay M. Moody, Clerk
Approved and accepted: