



**LANCASTER SELECT BOARD  
Regular Meeting Minutes  
of Monday, October 17, 2022**

**Nashaway Meeting Room, 2<sup>nd</sup> Floor, Prescott Building, 701 Main Street, Lancaster MA**

**I. CALL TO ORDER**

Chairman Stephen J. Kerrigan called the meeting to order at 6:00PM 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.

Join Zoom Meeting: <https://us02web.zoom.us/j/86295066308>

Meeting ID: 862 9506 6308

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

**II. APPROVAL OF MEETING MINUTES**

Mr. Kerrigan asked for a motion to approve the minutes of October 3, 2022. Ms. Turner offered this motion, seconded by Mr. Allison. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

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

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

The Select Board welcomed Kevin Mitrano, the new Health & Human Services Department, Recreation Coordinator. Mr. Mitrano briefly introduced himself. He will begin next Monday.

**6:05PM PJ Keating Peer Review Conclusion**

Ms. Hodges summarized; a secondary letter from the Comprehensive Environmental, Inc. (CEI), the firm performing the Peer Review, was received, as was a response from PJ Keating; this correspondence is found under Meeting Materials. Mr. Kerrigan recognized Robert Hartzel, Principal of CEI who summarized the current status. Mr. Hartzel explained that there were two areas covered by this Review, the first being administrative or procedural issues and recommendations for Special Conditions, and the second

covering concerns about contaminants as they pertain to the water supply. Mr. Hartzel stated that the second category was essentially resolved by receiving additional data from PJ Keating. Mr. Hartzel reviewed the report and their recommendations.

Mr. Kerrigan recognized Doug Vigneau, Environmental Compliance Manager for PJ Keating. He spoke to the meeting held with CEI, reporting that their general feeling is that some of the requests are a little “over the top” but they are amenable to complying in order to put issues to rest. Mr. Vigneau reported that the Massachusetts DEP (Department of Environmental Protection) and the EPA (Environmental Protection Agency) have recently visited the site with no additional requirements. Mr. Vigneau spoke to the items that will be implemented as a result of the Peer Review Study.

Mr. Allison asked Mr. Vigneau if there were any areas of disagreement; Mr. Vigneau said no that he agrees with establishing baseline data, although he would disagree with some of the testing going on for a long time. Ms. Turner noted that this process has resulted in a better permit than the Town had initially reviewed and had a number of questions regarding well depth. Rob Robinson, PJ Keating VP of Aggregates, spoke to well depth.

Ms. Turner suggested that going forward, rather than having the Select Board address these issues, there might be an Earth Removal Committee.

Mr. Vigneau asked what the process is to have the permit issued. Ms. Hodges stated that they need to fill out an application, but that this should conclude the issue; this can be on the next Select Board meeting agenda.

Ms. Turner stated that the Select Board had promised citizens the opportunity to review findings and bring forth their concerns. Mr. Kerrigan recognized Cara Sanford, 305 Bull Hill Road. Ms. Sanford explained that citizens are welcome to contact environmental agencies and expressed her view that CEI did a better job with stringent requirements than the Town’s Consultant, Tighe & Bond. Mr. Kerrigan recognized Anne Ogilvie, 4 Turner Lane, who thanked CEI for their information. She would like to see the CEI conditions in the next permit. She echoed Ms. Sanford’s feelings about CEI versus Tighe & Bond. Ms. Ogilvie would like a separate meeting for citizens to learn more about this process. Mr. Kerrigan said that the Select Board will work to get something like this on the schedule.

**6:30PM      Public Hearing Special Permit to Remove Earth Products Renewal For LLEC, Inc.**

Mr. Allison moved to open the Public Hearing, reading the legal notice into the record as follows: *Notice is hereby given that a Hybrid Public Hearing will be held Monday, October 17, 2022, at 6:30P.M. Zoom Link <https://us02web.zoom.us/j/86295066308> to consider the application of James Simpson, dba LLEC Inc., 139 Greenland Road, Sterling, MA for renewal of a Special Permit To Remove Earth Products (Sand and Gravel) from a parcel of land located westerly of I-90, Easterly of Jungle Road, identified on the Lancaster Assessors’ Maps as Map 23, Parcels 7, location approximately 700 feet Easterly from the intersection with Jungle Road. A copy of the Application and*

*Engineering Plans may be viewed in the Select Board's Office, Prescott Building, 701 Main Street, Suite 1, Lancaster, MA between the hours of 9:00 a.m. and 4:00 p.m. Monday through Thursday. All persons interested in providing comment should attend and be heard.*

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

Ms. Hodges noted that in the past renewals did not require a Public Hearing and that all needs for this application have been received. Ms. Turner stated that her understanding is that every permit is a new permit and should be treated as such. The applicant was not resent. Ms. Turner had a number of questions about reinstallation of a second monitoring well and whether or not the applicant was actively mining. No public comment was offered. Ms. Hodges explained that it was under the Select Board's purview as to whether or not a Public Hearing was held, and in this case very little activity was happening at the site. Some discussion was held as to delays in process that had been caused by COVID. Ms. Turner would like to hear from the applicant because she has questions about closure. Mr. Allison moved to renew that Special Permit for LLEC, Inc. for earth removal. Ms. Turner seconded. Ms. Turner stated that at the last permit renewal there were outstanding issues and that she would not vote yes without hearing from the applicant. There was confusion regarding the report. Mr. Allison withdrew his motion. Ms. Turner moved to continue this hearing until November 7; Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed; this Public Hearing is continued. [3-0-0]*

**6:45PM      Public Hearing Special Permit to Remove Earth Products Renewal Chisholm**

Mr. Allison moved to open this Public Hearing at 7:01PM, reading the legal notice into the record: *Notice is hereby given that a Hybrid Public Hearing will be held Monday, October 17, 2022, at 6:45P.M. Zoom Link <https://us02web.zoom.us/j/86295066308> to consider the application of William Daniel Chisholm, Trustee, Mountain Laurel Realty Company d/b/a Stow Sand & Gravel Company, 388 Goodrich Street, Lunenburg, Ma 01462 for renewal of a Special Permit To Remove Earth Products (Sand and Gravel) from a parcel of land located - Assessors Map 5/Parcels 27 (0 Shirley Road) and 32A (0 Chisholm Trail) with access over Map 5/Parcels 30 (1922 Shirley Road) , 31 (49 Chisholm Trail) and 32 (696 Fort Pond Road). A copy of the Application and Engineering Plans may be viewed in the Select Board's Office, Prescott Building, 701 Main Street, Suite 1, Lancaster, MA between the hours of 9:00 a.m. and 4:00 p.m. Monday through Thursday. All persons interested in providing comment should attend and be heard.*

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

Ms. Turner noted that the permit materials show that the previous permit expired in August 2019, but she believes that it was renewed after that. Ms. Turner moved to approve the Permit pending review by an independent engineering firm because the application

seems to be missing some conditions. Mr. Kerrigan stated that the Board does not issue conditional approvals. Ms. Turner would like language included similar to that shown in the PJ Keating permit; she would like a more current review. Mr. Allison moved to approve the application from William Daniel Chisholm, Trustee, Mountain Laurel Realty Company d/b/a for Earth Removal. *Vote taken, Alexandra W. Turner, No; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [2-1-0]*

Ms. Turner would like to discuss procedures for Earth Removal Public Hearings; Mr. Kerrigan requested that this is discussed later in the agenda.

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

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

Nashoba Regional High School \*\*\* out of order; Vacancy addressed prior to Building Committee \*\*\*

- Nashoba Regional High School Building Committee

Joseph Gleason, 126 Brazao Lane, Chair of the Nashoba Regional High School Building Committee, along with Superintendent Kirk Downing, gave a brief overview of the project. They are working with the MSBA (Massachusetts School Building Authority) and are currently in the Feasibility Study phase which selects a designer and a project manager. Budgets and costs will be prepared early in the new year. Mr. Kerrigan asked about the location of the project; Superintendent Downing clarified that the plan is to use the site of the current high school. Mr. Kerrigan asked about the planned capacity of the new school and cost implications. Ms. Turner spoke about past experiences with school building, asking about methodology used to determine capacity. Superintendent Downing explained that plans are for 925 students at 85% capacity. Ms. Turner also asked about water and sewer needs, and about green options. Mr. Allison asked how this project's success would be measured once it is concluded. Mr. Gleason spoke to the need to bring in the project on time and on budget. Mr. Allison asked how the Building Committee instills confidence in the residents of Lancaster. Mr. Gleason spoke to the makeup of the committee, all residents of the district plus Superintendent Downing.

Chair Kerrigan recognized Rob Zidek, 103 Kaleva Road, who talked about how impressed he was at the Building Committee's presentation last week.

- Vacancy – Nashoba Regional High School District Committee
  - In accordance with Nashoba Regional School District Agreement, the Lancaster Select Board, and the remaining members of the Nashoba Regional School District Committee from the town involved, acting jointly, shall appoint a new member by ballot within one (1) month after the vacancy occurs to serve on the Nashoba

Regional High School District Committee, to serve until the next Town Election, at which time a new member will be elected to serve the remainder of the vacated term.

Mr. Kerrigan read the agenda item into the record. Mr. Joe Gleason, 126 Brazao Lane, Lancaster member of the Nashoba Regional High School District Committee, spoke to the process of appointment by ballot. Because there is only one candidate the formal need for ballot vote is not needed. Mr. Shandor Simon, the candidate for the position, was present. Mr. Gleason moved to open the meeting on behalf of the Nashoba Regional School District School Committee; roll call vote taken. Ms. Sharon Poch seconded. Ms. Poch, Present; Brett Collins, Present; Mr. Gleason, Present.

Ms. Turner moved to waive the ballot requirement; Mr. Allison seconded. Mr. Kerrigan called for a vote of the Select Board; *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]* Mr. Gleason called for a vote of the Lancaster representatives of the Nashoba Regional School District School Committee. *Vote taken, Brett Collins, Aye; Sharon Poch, Aye; Joseph Gleason, Aye. Motion passed to waive ballot requirement. [6-0-0]*

Ms. Turner moved to appoint Shandor Simon to the Nashoba Regional School District School Committee to fill an unexpired term until the next town election. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]* Mr. Gleason called for a vote of the Lancaster representatives of the Nashoba Regional School District School Committee. *Vote taken, Brett Collins, Aye; Sharon Poch, Aye; Joseph Gleason, Aye. Motion passed to waive ballot requirement. [6-0-0]*

<b>V. PUBLIC COMMENT PERIOD</b>
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*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 recognized Rob Zidek, 103 Kaleva Road. Mr. Zidek spoke to the needs of Lancaster's senior citizens, expressing concerns that development in North Lancaster would result in increased taxes and additional burdens on seniors.

Mr. Kerrigan recognized Anne Ogilvie, 4 Turner Lane. Ms. Ogilvie commented on the Earth Removal hearings held earlier this evening and the status of the Earth Product Removal Committee.

## **VI. TOWN ADMINISTRATOR REPORT**

### **1. Recruitment Updates**

- Health & Human Services Department, Recreation Coordinator

Mr. Kevin Mitrano was introduced earlier in the meeting. Ms. Hodges reported that she and Ms. Dolan have met with Michelle Currier to discuss what role she might play with the beach, noting that this past year was the first time that the beach was profitable.

### **2. Other Department or Town-Wide Updates**

Ms. Hodges reported that the commercial grade cleaning of the Community Center ordered by the Board of Health would take place over the weekend, and painting is being planned. A former storage room has been re-purposed and is now an office for the Board of Health, and Ms. Dolan has been in touch with the Nashoba Board of Health regarding wellness clinics.

The Halloween on the Green event is scheduled for October 30.

The Board of Health had a successful recent even, vaccinating over 125 residents for flu and/or COVID.

Health & Human Services are conducting a “gently used” drive for games, movies, outdoor sports equipment and other items.

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

### **1. Call Special Town Meeting to be held on Monday, November 14, 2022, at 7:00pm to be held at the Mary Rowlandson Elementary School Auditorium**

Ms. Hodges reviewed the Articles on the Special Town Meeting warrant. She noted that babysitting will be provided in the gym. She reviewed plans to deal with overflow crowds. M

### **2. Close the Warrant for the Special Town Meeting to be held Monday, November 14, 2022**

Mr. Allison moved to close the Warrant for the Special Town Meeting to be held on Monday, November 14, 2022. Ms. Turner seconded the motion. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

Mr. Allison moved to have the pamphlet regarding zoning articles prepared by the Town Administrator, placed on the Select Board website and available in limited quantities as hard copy. Ms. Turner seconded the motion. Ms. Turner would like time to review the content.

*Vote taken, Alexandra W. Turner, No; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [2-1-0]*

### **3. Discussion on Peer Review regarding the Sand/Gravel site that the 40R is proposed for**

Ms. Hodges stated that this was on the agenda as a request of Ms. Turner, because the Tighe & Bond report from April had stated that although there was no current excavation, there was stockpiling at this site. Ms. Turner asked for clarification, stating that there should be restoration/closure requirements. Ms. Turner moved to have the Building Inspector / Zoning Enforcement Officer review the expired permit for compliance. Mr. Kerrigan seconded for the purposes of discussion. There is no application for a new or renewed permit. Mr. Allison stated that in his opinion the Board should not direct employees who report the Town Administrator. Ms. Turner withdrew her motion but would like to make sure that permits issued are adhered to. Ms. Hodges will gather more information for the Board.

## **VIII. APPOINTMENTS AND RESIGNATIONS**

### Appointments:

Lancaster Cultural Council – Suzanne M. Turcotte, term to expire June 30, 2025

Mr. Allison moved to appoint Suzanne M. Turcotte to the Lancaster Cultural Council, term to expire June 30, 2025. Ms. Turner seconded the motion. *Vote taken, Mr. Allison, Aye; Ms. Turner, Aye; Mr. Kerrigan, Aye. [3-0-0]*

## **IX. LICENSES AND PERMITS**

### **1. Application for Use of the Town Gazebo/Town Green**

Applicant: Judy Kittler Zmijak

Organization: Lancaster 4-H

Event: Tree Lighting sponsored by the Lancaster 4-H

Event Date: Saturday, December 3, 2022, from 6:30pm-9:00pm

Ms. Turner moved to approve the use of the Town Gazebo/Town Green, to Judy Kittler Zmijak, Lancaster 4-H, for the Tree Lighting, December 3, 2022, from 6:30pm-9:00pm. Mr. Allison seconded. *Vote taken, Alexandra W. Turner, Aye; Jason A. Allison, Aye; Stephen J. Kerrigan, Aye; Motion passed. [3-0-0]*

### **2. Rental Application for Use of Town Hall/Auditorium**

Applicant: Judy Kittler Zmijak

Organization: Lancaster 4-H

Event: Lancaster Festival of the Trees

Event Date: December 1, 2022 – December 4, 2022

Ms. Turner moved to approve a Use of the Town Hall/Auditorium, to Judy Kittler Zmijak, for the Lancaster Festival of the Trees, December 1, 2022 – December 4, 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 Use of Town Green/Gazebo

Applicant: Judy Kittler Zmijak

Organization: Lancaster 4-H

Event: Lancaster Easter Egg Hunt sponsored by the Lancaster 4-H

Event Date: Sunday, April 2, 2023, from 8:00am-10:00am

Ms. Turner moved to approve the use of the Town Green/Gazebo, by the Lancaster 4-H, for the Lancaster Easter Egg Hunt, on April 2, 2023, from 8:00am-10:00am. 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 matters not reasonably anticipated by the Chair.*

**XI. COMMUNICATIONS**

- Special Town Meeting will be held on Monday, November 14, 2022, 7pm, located at Mary Rowlandson Elementary School Auditorium.
- The Select Board & Finance Committee Joint Meeting for the FY24 Budget Review will be held Saturday, November 12
- Miscellaneous Correspondence & Memoranda

**XII. ONGOING PROJECTS & OLD BUSINESS**

- Liaison Roles, Policies & Appointments (Turner) - tabled
- Financial Audit Advisory Committee Charge & Functions (Turner) – on future agenda
- Division of Capital Asset Management & Maintenance Property (Turner) - tabled
- Public Records Requests Inventory & Handling Policy Proposals (Turner) - tabled

**XIII. ADJOURNMENT**

Mr. Allison moved to adjourn the meeting. Ms. Turner seconded. *Vote taken. Mr. Allison, Aye; Mr. Kerrigan, Aye; Ms. Turner, Aye. [3-0-0]*

**XIV. ADJOURNMENT**

Respectfully submitted,

Kathleen Rocco  
Executive Assistant

**APPROVED**

Approved and accepted, 11/7/22  
Alexandra W. Turner, Clerk