



**APPROVED**

**LANCASTER BOARD OF SELECTMEN  
Special Meeting Minutes  
Of Tuesday, November 2, 2021**

**I. CALL TO ORDER**

Chairman Jason Allison called the meeting to Order at 6:00 P.M. via Zoom. He noted that the meeting was being recorded.

Join Zoom Meeting <https://us02web.zoom.us/j/83015551567>  
Meeting ID: 830 1555 1567

Roll call was taken, Alexandra W. Turner, present, Jay M. Moody present, and Jason A. Allison present. Town Administrator Orlando Pacheco was also present.

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

**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

1. Meet with Capital Group to discuss the following:

- North Lancaster development
- North Lancaster Settlement Agreement

Mr. Pacheco explained that at the last meeting with Capital Group Properties (CGP), there were a number of questions that were not submitted, so tonight's meeting will cover those questions rather than new questions. CGP has been given the list of questions.

Speaking on behalf of Capital Group were William (Bill) Depietri, Founder and President; Robert Depietri, Project Developer; Daniel Ruiz, Permitting Manager; Bob McGuire from JLL, one of the brokers associated with the prospective tenant transaction. Mr. Depietri noted that they had a 7:00pm hard stop due to a 7:30pm meeting elsewhere. He said that they were proposing to have four meetings before the end of the year, two in November and two in December, two town-wide Zoom meetings and two in-person meetings, but they didn't want to duplicate efforts if the Select Board had other ideas.

Mr. Allison said that this sounded reasonable and that he will take this offline to discuss with Mr. Pacheco, and the Board can address later as New Business.

Mr. Depietri noted that some of the questions from the October 26 meeting have been answered, so he was sorting through to find unanswered questions to get through as many questions as possible without duplicating efforts.

The first list of questions was from Ladd Lavallee, 40 Fire Road 10.

*Question: Is the proposed industrial warehouse guaranteed to fulfill one long term lease with a note on it, or could tenants of the development vary?*

There have been no leases executed at this time. We're proposing a speculative project development to a point, so it could be we know some tenants up front, before we start, and we might start a building or two without a tenant so at this time we're unable to really answer that question until we have a signed lease or we know they're ready to start building. You know all of the information that we've given the town is based on projections.

*Question: Should we allow for the possibility that the occupant is not the one currently anticipated?*

Yes, that's a possibility, and again, there will be multiple occupants, not just one. There are multiple buildings that we're proposing.

*Question: If the occupant is known, does that occupant operate their own fleet of trucks exclusively?*

This was addressed at last week's meeting and again, each company runs a company differently and are independent from other companies. Some have the same standards, some of them don't. We really don't know until we have the occupants or the tenants identified.

*Question: If the occupant does not run their own fleet of trucks exclusively, what means does the applicant have to ensure the use of filters or other pollution mitigation?*

Mr. Depietri noted that this was discussed last week. The tenants that occupy the project have to meet federal and state emission standards. Those will all be met and all vetted during the MEPA process.

*Question: Diesel exhaust filters are generally considered a moderately effective option as compared to zero emissions electric trucks. Could the applicants require zero emission engines?*

This was addressed last week. To reiterate, that at this point in time, where we are with electric vehicles, it's way too early for that. We do feel that in time it is headed that way. I just don't think that the technology is ready for the size of vehicles that they have but, again, they will meet state and federal emission standards.

*Question: The Institute of Transportation Engineers predicts almost twice as much daily truck traffic from a warehouse of this size. How is the proposed occupant able to promise half the traffic?*

The Institute of Transportation Engineers are very broad. They don't know the type or the tenant, so when they run the numbers it's extremely conservative. We propose a certain type of tenant for this

development, so we know what the trucking needs are. We based our traffic study on those. The Town's Peer Review Engineer reviewed it, commented on it, and when we file with MEPA the state is going to have their own traffic engineers comment as well.

*Question: If there is only one guaranteed occupant, why is the traffic study, based on self-reported predictions of one occupant? Why wasn't the Institute of Transportation Engineers trip generation manual used to calculate traffic, as it would ordinarily be?*

Again, as stated previously. First of all there isn't going to be only one occupant this is there, you know we're talking about one potential building right now, but there are multiple buildings planned for the overall development. This was addressed in our traffic engineer's response to the town's peer review engineer and that's all of the traffic studies. All these traffic questions that have been asked tonight have been responded to. I believe we sent a response last week to the Town.

*Question: If the occupant is known, when will the study be the updated with data reflecting whether it is a sortation or non-sortation fulfillment center, which will greatly affect the traffic counts, if the report was generated using both occupants' data, why was the type of warehouse omitted from the report, despite its bearing on traffic volume?*

The rezoning that we are requesting the Select Board take before Town Meeting is not a permit to start construction. All it is, it expands the current zoning out front to the back of the residentially zoned land. It allows us to, at that point, file for a site plan approval permit to the Planning Board. At that point we'll be permitting each building separately from the other ones, and we'll be adjusting the traffic study if we know what the tenant is at that time will be filed the planning board, if not, it will be based on projections so by type of tenant we'll project to be in that building.

*Question: The nationwide shortage of trucks of truck parking creates a well-documented problem of trucks idling on roads or in neighborhoods the on the way to delivery or pickup appointments. Has the cost of increased local law enforcement to combat this problem been calculated?*

Mr. Depietri responded that he was unaware of a nationwide shortage of truck parking areas but, that being said; they designed these buildings with sufficient parking. Some trucks do show up early, and they can basically sit in the parking lot and wait until they're ready to be unloaded. All of these tenants aren't going to have all the trucks at once. They have schedules, and time slots when they show up to drop off their loads and when they pick up their load. They don't want a bunch of trucks sitting around doing nothing. It's a pretty well-orchestrated systematic program that they have in place here, so this should not be happening. It might happen in other parts of the country and with other types of tenants, but the prospective tenant that we're talking to is extremely organized.

*Question: The Peer Review of the traffic study noted that the existing Route 2 interchange could be subject to vehicle queuing even with the existing below average traffic calculations, but alterations have been proposed to increase flow at these intersections.*

We went into great detail about this at the last meeting. I don't want to go into it too much because I don't want to burn up too much time, but our traffic engineer responded, the Town has the

comments. If they're not on the Town's website, maybe we'll put them up on our website so that people can see the response of our traffic engineer on these questions.

*Question: Jeffrey Derek of Vanesse Associates, said before the EDC that the existing roundabout in North Lancaster is insufficient if it requires long trucks to pass over it.*

It was noted that there was multiple conversations with the state regarding this intersection and understands that people think it's too small, because it has a raised center portion of it. It was intentionally designed for that it's meant to have the trucks ride up over it, if they're longer tractor trailer trucks. The shorter ones, they can drive around it. This roundabout was designed to accommodate way more traffic than what you see there now. The State has looked into and they've not had any real fears or concerns. There was discussion about this rotary and the State don't see it being an issue. Again, I think that people think, because part of the rear wheels go right up over the raised portion of the roundabout that it wasn't designed for that, but it actually was designed with that intent, otherwise the roundabout would be twice the size which you wouldn't want.

*Question: Given there's a large and rapid growing body of scientific research showing that it is unhealthy to live near locations, with a large volume of diesel truck traffic do elevated emissions and particulate matter (PM) from diesel engines. How has this concern impacted the plan to develop housing adjacent to the industrial distribution?*

Again, this has to go through MEPA, and it goes through a rigorous review of the project and the trucking and all the impacts. We have environmental consultant, Tech Environmental, who will be at one of the four meetings that we're proposing to answer all the environmental questions. We'll have traffic engineering at one of the meetings to answer all the specific questions as well. I think we'll wait till one of these future meetings.

*Question (last from 10/22/21): Tax revenues are Lancaster's primary motivation, when considering this project. Large retailers frequently succeed in reducing their taxes once they locate in a town. Will the applicant or the occupant of the proposed warehouse guarantee a base revenue projection or minimum negotiate tax rate? What is the total projected income tax rate that will be generated?*

We gave our estimated tax projection. RKG also gave their projections. The Town sets the tax rate, the Town sets the value of the property, although have certain parameters that they have to follow when assessing the property. If a tenant or an occupant, were to come in and try to reduce their taxes through a TIF or whatever, this is at the Town's discretion. They don't have to do anything. They can sit there and say look this tax bill you're writing it. So it doesn't matter how big the tenant is, the taxes are what the taxes are. If the town doesn't want to grant any reduced taxes they don't have to, and the tenant or the occupant have to pay the taxes, providing that the assessment meets the state guidelines in assessing property. The RKG fiscal impact report gives estimates as to what the taxes, what they see the tax revenue and the task value being for the Town and we've also produced documentation from our office, and this is based on other properties within the town of Lancaster.

The next set of questions is from Amy Humphrey, dated 10/22/21. These were not made available at the last meeting.

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

We spoke about this last week at great length and in depth, but maybe this particular person was not around.

Mr. Depietri asked Chairman Allison if it was okay to answer all repetitive questions at the same time. Mr. Allison told him that he should feel comfortable skipping questions that have already been answered.

*Question: With all the plans that have been submitted to date, how do we know which plans are the most current for the McGovern Boulevard site?*

Again, what we're proposing is speculative. Currently we have identified a prospective tenant. We've spoken to other prospective tenants, but none of them have signed leases. If any of the numbers or the traffic impacts change due to that type of tenant, the traffic study will be updated and presented to the Planning Board and the fiscal impact report will also be updated to reflect that tenant at that time that we bring it forward to the Town.

*Question: When will the traffic study be revised, based on the Vanesse peer review, and will any of the additional comments and questions that residents had asked. Will any of the additional comments/questions that residents asked that could not be answered by Vanesse during the EDC meeting on 10/13/21 be addressed?*

Again, at one of the four proposed meetings the traffic engineer will be present, and he can answer everyone's questions either via Zoom or in person.

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

I think we went into great detail with this question last week as well. I will tell you that there's nothing stopping the Planning Board from putting conditions on a standard site plan approval. It doesn't need to be a special permit and, as I stated last week, a special permit needs four out of five votes and is basically not appealable. The only way we're willing to move forward, and work with the Town, is it needs to be under a non special permit as a by-right use under the current zoning, which is enterprise is in the front, and we're proposing that the enterprise zone is carried to the back, which is currently zoned residential.

*Question: Why have you specifically targeted 40R development that you've worked hard with the Affordable Housing Trust to develop, to the requirement that we rezone a residential in part of the town to build a mega warehouse? In addition to the size of the warehouse being out of scale and character for our Town, it would be located directly adjacent to existing residential development. Why should we have to remove the existing protections for the residents of White Pond Road to put a mega warehouse in their backyard just to get a 40R? These are independent and should be viewed as such.*

Again, we went into some detail on the same question last week. They are not independent proposals because we would never do a 40R without getting the rezoning. Basically it's not a money maker. We probably lose money doing it. It's not what we prefer to do out there, but we were trying to work with the Affordable Housing Committee to help the town reach 10% goal, and in doing so, we were requesting that the back residential piece be rezoned.

The next list of questions is from Lois Wortley, dated October 22, 2021.

*Question: Public comments regarding the traffic review and the peer review re. McGovern Boulevard raises some gaps and questions. What is the process by which these issues will be prioritized and addressed?*

Again, we've responded to the peer review comments to our traffic engineer, and we will make them available for future meetings to answer anyone's questions regarding traffic.

*Question: Regarding the traffic monitoring and mitigation, who in Lancaster has the oversight, and how does The Capital Group plan to handle this? For example, it seems larger than just a timing of traffic lights.*

I can tell you what we've done in previous projects is part of the conditions that were part of the permits received from the Planning Board in another in another town. We had, I think, biannually, to have a traffic engineer come out and do traffic counts and verify that we were within what we proposed when we were permitted, and if adjustments had to be made, we had to do them, and this, I think, went on for two or three years once the project was completed.

*Question: Much of the traffic analysis depends on planned improvements by the state and town on key intersections. How can we be assured that these will happen in the timeframe needed for the project?*

We went into this last week, that certain improvements are already underway, that the town and state are funding, one being the intersection of Route 70 and 117, and 117 and Seven Bridge Road. Those are in the works, and I believe the scheduled start is for Spring of 2022. All the frontal improvements, i.e., everything that's along frontage which connects to McGovern Boulevard, the signals, the widening of Route 70, is all going to be done by the developer. We're also doing some temporary improvements until the state is scheduled to do theirs. The other side is already in design for the other intersections. They haven't been scheduled yet but I believe will be over three to four years. This has all been discussed with our traffic engineer and the state's traffic engineers and Vanesse has spoken to the State regarding these approvals. Again, our traffic studies are based on

full occupancy. Some of these improvements are only needed at full occupancy. Some of them and needed at the beginning and partially through it.

*Question: Improvements to Route 2 will also be necessary. My current understanding is that there's no confirmed timeline for these. How do we ensure that these improvements happen in the timeframe of the project?*

Again we're working with the State to develop schedules as to what improvements the developer needs to do and what improvements the State is going to do. If the State can't meet certain timeframes, which they've already identified, we've agreed to do them. This again is the accel and decel lane of Route 2 and Fort Pond Road.

*Question: What assurances do we have that truck traffic emissions will not adversely impact our air and water quality, and will this be monitored, and will there be any mitigation for adverse effects?*  
Again, we have to meet strict standards for MEPA. Tech Environmental, which is our environmental engineering firm, can respond in much more detail when we have our meetings with the public.

The next list of questions was from Cathy Hughes at 80 Fire Road 11.

*Question: The assessor cards note that North Lancaster land that The Capital Group is proposing to develop is currently owned by several entities include 702 LLC, North Lancaster LLC, and others. Does the Capital Group have an agreement with all the property owners to represent them?*

We're not developing all of the land. We're only developing the piece that 702 LLC owns, approximately 350 acres. Then we have an option to purchase the land that North Lancaster has. Regarding other landowners, we're not proposing to develop their land or rezone their land. So I'm not sure why the question was asked, but we own our land and then we have the rights to develop land owned by North Lancaster LLC, with an option to purchase.

*Question: Is it a part of the strategy for this development to be responsible for the property tax bill of the entire development?*

As per State law and Town law, property taxes are assessed to the current owner of certain parcels. So the parcels that are owned by 702 LLC are responsible to pay the taxes. If other parcels are owned by other landowners, they are responsible for paying the taxes.

*Question: Is Capital Group intending to sell the land to a third party?*

Again, we're in the early stage of the project. We may sell some parcels to end users who want to retain the land to build their own building. If that's the case they'll get a separate tax bill from the Town. Other parcels we're going to retain ownership and sign leases with prospective tenants. If that's the case we will be getting the bill and paying the taxes.

*Question: Is Capital Group planning to lease portions of the development?*  
That question was just answered.

*Question: If Capital Group engages in a lease agreement, is it Capital Group's practice to use a triple net lease agreement with tenants, where the responsibility for property, building and maintenance, insurance and taxes, fall on the leaseholder?*

Each lease is different. Whenever possible if we're leasing a property to a tenant, we want to control the management and the maintenance of the property, so it's kept up to our standards. These are typically triple net leases and these expenses are billed back to the tenant. If we do sell a certain parcel to a tenant who will build his own building, there will be standards that need to be met. This is a land condominium. There are bylaws, and each unit owner has to comply with them. These might be landscaping, trash, lighting, or something like that. We have a strict set of bylaws that if there are separate landowners they have to comply with.

*Question: Capital Group has projected property taxes for the town of over \$2.4 or \$2.5 million a year. Large (illegible) large tax departments to find legal loopholes to avoid paying these property taxes. [link given here] And there's a link on avoiding taxes. In addition, they offer room for abatements, arguing that they are bringing in jobs and economic development to the town or income based assessments. (Illegible) Does Capital Group agreed to indemnify the town through a performance bond or something similar for the town property tax of anything less than a projected income of \$2.4 or 5 million per year to ensure that the Town of Lancaster receives a projected tax income from the development?*

Again, we've done our estimate on what the taxes are. RKG has done their impact report which has estimated the taxes and I believe they're very similar. I don't think they're exact, but they're very close. Under State law, whatever the Town assesses to these parties, whether it be Capital Group or a tenant who has purchased the property, we have to pay those taxes. We can't come in and start to negotiate with the Town because we've created 1,000 jobs so you want to lower the taxes. that just doesn't happen. Those cards are held by the Town. If the Town so chooses that it wants to reduce that tenant's taxes they can do so, but they don't have to. We do not plan on coming in to request any TIFs. That is something we can assure the Town, and we'd be glad to put that in writing. If we sell a piece of land to a tenant who wants to build its own building, we cannot control that they will not come in and request a TIF. The town does not have to grant a TIF; it goes to Town Meeting and the town people vote on it. The answer really lies in the town and in the hands of the townspeople.

The next question, regarding the Town's cost for attorneys' fees will be forwarded to the Select Board.

*Question: The company slated for occupying the massive 1.2 million square foot distribution center has recently opened four new sortation centers of similar size in Houston, Dallas, in the Philadelphia area, and in Lawrenceville, Georgia. On the company's website, referenced below, these are last mile sortation centers, and are an integral part of the company's strategy to reach their customers faster. Capital Group stated that this was not going to be a last (illegible) sortation center. Why should we expect that the Lancaster site is different from what this company is doing elsewhere?*

This is from the prospective tenant. They are not planning to use this as a (illegible) facility, but for general warehousing and fulfillment.



*Question: Capital Group stated that the roundabout at Route 70 and Old Turnpike Road is sufficient to deal with the massive increase in truck traffic expected to use this rotary. Yet the peer review stated that the roundabout was not best suited for truck traffic or increased traffic. Could you comment?*

Again, our traffic consultants have responded to the Town's peer review comments. The town has it, and we will make it available on our website, and, during one of the four Q & A sessions that we're proposing, the traffic engineer will be there and will get into this, as well as any other question at any time that a resident or board member has.

*Question: Vanesse has also indicated that having only one access road to the main artery of Route 2 or I-190 from the massive 1.2 million square foot distribution center was not ideal. Please comment.*

Again, the response would be the same as for the previous question.

The questioner asked the Town if we can ask Lancaster's safety services to comment on issues presented by only one main access road to the distribution center and what the impact will be for residents of the new 40R housing development, workers in the development, and other Lancaster residents if the road is blocked. Mr. Depietri noted that it is a double-barreled road up to the culvert, so if there was an issue we still have the other two lanes.

*Question: We noted that the Boy Scout property at the junction of Route 2, Route 70, and Fort Pond Road has been purchased. This is the land that the Capital Group indicated in the traffic presentation will be used as part of the revamping of Route 2, Exit 103, in order to provide an on ramp or dedicated speed up lane to Route 2 going west. Please comment.*

Again, we show plans at last week's meeting. The widening that we're proposing is within the state's right of way, it's not on private property. Again, this can be answered in greater detail at one of the upcoming meetings with our traffic engineer. As was previously said, this is only a temporary measure until the state revamps the entire intersection.

*Question: Please correct me if I'm wrong. My understanding is that there are contingencies on the water agreement with Leominster, and that the water can be used for 600 new homes in a 40B development in Lancaster.*

The water agreement is on our website. I know the town has it, and I assume it's public. There are restrictions, but not on housing. The restrictions are on big box retail and hotels.

The next email is from Carol Jackson, dated October 22. Mr. Depietri noted that the topics covered have already been addressed, but he wanted to read the email to demonstrate that they did receive the email and did look at it.

*Question: Why is it taking so long for the Settlement Agreement to be settled? How can we trust that any other agreement would be honored since this one from 2017 is still not been settled? It is clear*

*the in agreement, there should not be any questions about what should be done. They received their parcels, Lancaster did not. This erodes residents' trust and confidence in the Select Board's ability to negotiate and deliver.*

We went into great detail and submitted a bullet point by bullet point response to the town last week. We also put it up on the project website.

Chairman Allison opened the meeting to public comment, recognizing Cara Sanford, 679 George Hill Road.

Ms. Sanford offered her opinion. To anyone wishing to explore the details of the 2017 settlement negotiations, there is a town hall stream website meeting from 9/20/17 executive session meeting with several town officials. There are also meeting minutes on the town select board website under 2017 dates 9/20/17, 10/2, and 10/19. Two parcels are mentioned. One with a tax title deed that Town had and the other was an owner unknown. Steve Boucher (702 LLC) had been claiming these two parcels as his own and removed approximately 37 acres of sand and gravel. The town settled on these two parcels. Ms. Sanford encouraged participants to look at this information.

Mr. Allison recognized George Frantz, 13 Highfield Drive.

Mr. Frantz thinks that the number of jobs being created by this project has not been looked at sufficiently, and that this should be factored in to revenue estimates.

Mr. Allison recognized Rob Zidek, 103 Kaleva Road.

Mr. Zidek stated that a recent article in the Telegram quoted Mr. Depietri as saying that the Target distribution center could fit up front, asking if this were true. Secondly, he asked if Lancaster receives notice from the Department of Housing and Community Development that we have reached "safe haven," is it Capital Group's intention to stop discussing housing development?

Mr. Depietri replied that this was a misprint, and that they have not spoken to the Telegram. He responded to the second question, saying that they are not pushing the 40R, but it would be up to the Affordable Housing Trust as to whether or not they wanted to pull it off the table.

Mr. Allison recognized Nick Facendola, 137 Colony Lane.

Mr. Facendola would like the Capital Group to clarify their permitting strategy. He went on to talk about 40B vs. 40R alternatives, stating that the Department of Housing and Community Development lists Lancaster at 9.8% affordable housing stock, so that Lancaster is not currently at risk for a huge 40B project. He would like Town Counsel to offer an opinion on special permit versus site plan approval.

The Capital Group explained that what they are proposing under their Plan B would be a phased 40B product with homes for sale, not for rent, broken into three phases with approximately 200 units per phase. It would probably happen over a 5-6 year period.

Mr. Allison recognized Karen Cavaoli, 117 Fire Road 11. Ms. Cavaoli explained that her neighborhood, sort of behind Kimball's Farm, is concerned with noise and would like more clarification on shifts. Mr. Depietri will get more details and bring it forward at one of the next meetings.

Mr. Allison thanked Capital Group for attending. He said that he is aware that people want to talk further about the Settlement Agreement, cautioning his fellow board members that their discussion might best be held in Executive Session to avoid affecting bargaining positions. With Capital Group not present for the remainder of this meeting, residents still had additional questions for the Select Board.

Ms. Turner has sketched out some ideas for the Board regarding the format of the upcoming forums. She suggested that four meetings might not be enough and that six might be better. She would like an independent moderator, possibly someone from out of town. She would like topics including what is allowed here by right, how does this zoning work, and what's the evolution history. She is troubled because there is disagreement about basic facts, especially about zoning. She suggested that one meeting might be dedicated to environmental impacts, another to financial impacts/tax relief, and perhaps another to affordable housing.

Mr. Moody thinks six forums is too many but four would work. He would like to get a lot of information out via paper, or a Facebook group that Ms. Turner has, or the library, or town hall. He would like to involve as many people as possible, because at this point it's predominantly people from one section of town.

Mr. Allison recognized Anne Ogilvie, 4 Turner Lane.

Ms. Ogilvie stated, "Thank you, Mr Chairman, and thank you, residents of Lancaster who are showing so much care for this matter and trying to get to the facts. I also really want to thank Ms. Turner for everything that was said and for a shared desire to get facts on this instead of some of the evasions that we've seen tonight. I wanted to say that I think many residents would disagree that we've looked at the traffic and financial matters in depth. We have had some reports provided to us, and then we've had our own experts review those, and our own experts cite issues with those reports and so there's many questions that still remain unanswered, including things like the Rotary that was discussed tonight, where we have the developer saying that the existing Rotary is OK, but our own expert said that the existing Rotary is insufficient for the increased truck traffic. And also things like that a development of this size would typically require a second driveway. So we have these very basic things that are going to affect this project and life in our town and we don't have answers. So I think the forums would be a very good idea to get some of those questions answered, and I also think residents would appreciate the opportunity to discuss these matters with the Select Board. I'm hoping that we can do some of that this evening. And, also to be heard, I think that we keep hearing is we are misinformed, but the information is not necessarily corrected and, in fact, things that are brought up are brought up directly out of the reports. So if there's misinformation, we'd like to see it corrected, rather than continuing to kind of kick the can down the road. The other thing I note, as a resident, is the Capital Group has a whole bunch of people around the table, who are paid experts, to read their opinions and assist them in helping make their proposals a reality. I don't see any experts here at our meeting, who are working on behalf of the citizens of Lancaster. So

again, as someone suggested last week and I support, I would really like to see Lancaster invest in some experts. We heard last night about the troubles at the Hawthorne Hills development, the troubles with the North Lancaster agreement and even the car dealership had unfulfilled conditions of their development, so we kind of have this history of going forward with things without adequately vetting it and then adequately enforcing it and I think we need some help. I think there are experts out there and we need to find them. I'm hopeful that the Select Board will be able to put some things in motion to obtain those experts on our behalf."

Mr. Allison recognized Justin Smith, Turner Lane.

Mr. Smith had questions regarding the economic study and the number of projected new students. He talked about the current high demand housing market, noting that since Lancaster's schools are very highly rated that the demand is extremely high. He stated, "All this considered it's only logical to assume that we're going to face much higher residential demand and a rise in the median house price of the hundred and 50 families projected there will be a very high number of school aged children, much more than 58. I don't see why anyone would want to live in a high density development in front of a warehouse with trucks passing 24/7/365. Thank you."

Mr. Allison asked Mr. Pacheco to forward this question to the Capital Group. Mr. Pacheco said that he would also send it to RKG since they are doing the analysis on behalf of the Town.

Mr. Allison recognized Lois Wortley, 192 Fort Pond Inn Road.

Ms. Wortley expressed her concerns about emissions and the impact on air pollution, and is not reassured by responses that say we're going to meet all local and federal government standards. She feels that we can all agree that we can meet the letter of the law and still have a negative impact on our town and our citizens. Referencing a study from this year by the University of Connecticut School of Medicine Department of Public Health Sciences on particulate policies, she quoted "particle pollution is the most serious environmental health hazard in the world and in the Boston area most of this population comes from combustion of fuels used in transportation." Ms. Wortley stated, "what it clearly seems to point out to me, and I think anyone that reads this and studies, this is there will be a degradation in our air quality in the vicinity of this type of facility." She would like the Capital Group to speak to mitigating this, giving examples of where they have done this in the past, and she would like the Town to have a process in place to monitor and manage this, and to be able to push the developer to mitigate where necessary.

Mr. Pacheco advised that one step that has been taken is that the Town has applied for a grant to provide sensors that will measure particulate matter. Four of these will be located along the Lunenburg Road area.

Mr. Allison recognized Cathy Hughes, Fire Road 11.

Ms. Hughes spoke to the need to monitor emissions and compliance to standards. She said, "I would beg the Select Board or whoever the right person is, that they put these procedures in place." She would be happy to be part of a committee that addresses this. She feels that the distribution center is out of scale for Lancaster and doesn't make sense for our area. She wants to know where

residents can go with issues; she stated that the Board of Health told her that it wasn't their responsibility.

Mr. Allison answered that the reality is that when there are state and federal regulations as part of the process MEPA will handle all of that. Ms. Hughes stated that we cannot manage a problem at a development of this size when we cannot manage non-compliant trucks in situations like Hawthorne Hills. Mr. Allison stated that he would encourage Ms. Hughes to be part of the solution and asked for input from his fellow board members.

Mr. Moody says that the Town has faced lots of problems and the Board has tried to address them lately. There is a new Building Inspector and a Planning Director who will be helpful. We can only do so much. He stated that it would be nice if there were a five person Select Board, because two more people would certainly help.

Ms. Turner said that the common goal for everyone is economic development, and that it is the role of the Select Board to help shepherd it in the most advantageous way for the people of Lancaster. She stated, "This debate is going to focus on zoning. Even if Capital Group does not receive approval for the warehousing the way they want to and they end up with a 40B, there is still going to be impact." She noted that although the locally elected Board of Health may not have the tools to deal with this monitoring, they are affiliated with the Nashoba Board of Health. Nashoba BOH have engineers on staff to help support projects such as this.

Mr. Allison recognized Win Clark, of 928 Main Street.

Mr. Clark stated that there has been a frustrating amount of repetition in terms of the questions asked of Capital Group tonight. Understanding that some people may not have been to previous meetings, he wondered if there was some way to document some of the most frequently asked questions and create an FAQ that people can check to have a certain baseline level of knowledge before coming into a forum like this. Mr. Allison stated that this was a great idea and asked residents to either volunteer or to let the Select Board know if they thought someone should be paid for this project. Ms. Turner noted that a new Planning Director has been hired and that the Affordable Housing Trust and Planning Board have lots of information on their webpages. She also stated that the Town has a Web Administrator, the Assistant Town Clerk, who might be useful helping to develop a page for this information. Mr. Allison said that he is against using the Town Planner or Building Inspector for this project since their current caseload is 2-1/2 times the norm. Ms. Turner suggested that the Board discuss this in more depth at a meeting.

Mr. Allison recognized George Frantz, 13 Highfield Drive.

Mr. Frantz agrees with the previous suggestion of putting together an FAQ, saying that at every meeting, we should attempt to nail down answers and to come up with at least a few from every meeting that we can add to the list of true facts. He spoke about the environmental issues and the MEPA review. MEPA bases their review on existing Federal and State standards for air, water and land. Massachusetts has some of the most stringent environmental regulations of anywhere in the country. That doesn't mean that there aren't there are occasional violations, and if so we need to do something about that.

Mr. Allison recognized Rob Zidek, 103 Kaleva Road.

Mr. Zidek would like housing added as a topic to the Capital Group forums. He wondered if Lancaster would look at forming a traffic advisory group or committee that would look at the whole issue from the town's perspective. Mr. Allison suggested that Mr. Zidek or another resident propose a charter for a traffic group and email it to the Select Board for creation of an ad hoc or permanent committee. Mr. Moody suggested that Police Chief Moody should be involved. Ms. Turner recollected that many years ago there was a Traffic Committee but that it stopped due to leadership or direction. She would support a new committee as long as the scope was well defined.

Mr. Allison recognized Tim Wortley, 192 Fort Pond Inn Road.

Mr. Wortley noted that the state will come out shortly with very aggressive energy goals aimed at starting to meet the Zero Emissions 2050 Plan. Within a decade there will be goals dramatically reducing commercial truck pollution, reducing personal vehicle emissions by 15%, and forcing clean heat policies on these types of commercial buildings. He stated that we need to understand how these types of developments are going to fit into those future goals. He said that maybe that's a discussion with the Planning Board or the Town Planner about their plans for meeting these state goals.

Mr. Allison shared his perspective, saying that he realizes that opinions are not the same for all residents, and that's okay. He talked about being forced to look at Lancaster's future, in that there is growth all around Lancaster, the state is investing and improving our highway system for more traffic, which means more traffic is coming. He asked how we get into a place where if we're going to get hit by the traffic regardless, that we are still reaping some of the benefits. He went on to talk about the need for revenue. His objective is to get to a vote and he will support the outcome, whatever it is, 1000%.

Mr. Moody agrees with Mr. Allison, adding that it's been long and hard work to get people into needed positions such as the Town Planner.

Mr. Allison recognized Julie Debono, 226 Fort Pond Inn Road. Ms. Debono supports Mr. Clark's previous suggestion of posting questions and answers. Her concerns, because she lives close to the Route 2 exit, are that the answers she's heard have been vague. She does not believe that there is room to add acceleration and deceleration lanes. She stated that she knows that development is coming and that she accepts that, but does not feel that the answers so far have been helpful. While she likes the FAQ idea, it's more about getting a detailed answer as opposed to a vague answer.

The Select Board agreed to discuss how to put together an FAQ at an upcoming meeting. Mr. Allison then recognized Anne Ogilvie, 4 Turner Lane.

Ms. Ogilvie thanked the Board for tonight's meeting, saying that "there needs to be a place like we have tonight, where residents can engage with our town officials and with employees of the town as well, who are acting on our behalf outside of the meetings with the developers. We are one town together and everyone's really trying to make a lot of things work for this developer, but I think

there's a place for voters in the town and the town officials to engage.” She continued, urging residents to read the Master Plan created in 2007, especially a section titled, “The Town We Want.” Mr. Allison concurred.

Mr. Allison recognized Victoria Petracca, LAHT, of 67 Woodland Meadow Drive.

Ms. Petracca, speaking on behalf of the Affordable Housing Trust, said, “I wanted a chance to give residents and the Select Board, just a quick overview of where we are. I'm not going to do a big deep dive into Lancaster's Affordable Housing, but I did hear a comment this evening, from Nick Facendola, about our current SHI and in the interest of providing accurate information I'm happy to answer this question again and again if it needs to be. Lancaster has 250 affordable housing units, but 110 of those are virtual, if you will, they were permitted through the comprehensive permit process but not constructed, so we are given credit for units that are issued a comprehensive permit that is at the local level. I also want to correct a statement this evening that affordable housing under 40B is only permitted at the state level. It's actually partly at the State level but it's also through a comprehensive permit, which is issued by the town's Board of Appeals. So when those units are permitted, DHCD gives us a temporary credit. If those units are not issued a building permit within a finite window, they are no longer truly units SHI, so they are hanging out right now in our SHI. I have spoken with the DCHD about this, and they are coming off. They are not valid because our expiration date has passed, if you will, because they have not been issued a building permit so that puts us at a 5.5%. The other factor to bear in mind is that this is a ratio based on our year round housing units. That is a 10 year census number. We just had a 2020 census. We're getting a new number of total year round housing units that will obviously have increased in Lancaster. We are waiting for that number. We thought we would get it this Fall. We were just told by DCHD that information has been delayed to – hopefully – early 2022. Our denominator, if you will, is going to increase, meaning that our percentage is going to come down. So you can anticipate that that five and a half percent will come down. I just wanted to again not do a deep dive tonight, but at least correct that one piece of information.” Ms. Petracca urged residents to attend LAHT meetings.

Mr. Allison recognized Martha Moore, 131 Center Bridge Road.

Ms. Moore stated that she's been sitting through a lot of these meetings and we can make public comments, and there's a lot of frustration building, both in terms of the Board and committees, but also the public as well, and I wonder if it would help if the Select Board could figure out and maybe this FAQ idea will help, but would it be possible for the Board to set or help set expectations regarding how to best submit questions for public comment, and also set expectations around how the Town will respond to those comments.

#### **IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE**

#### **V. PUBLIC COMMENT PERIOD**

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

Mr. Allison read a public comment from Martha Moore and stated that this would be addressed later in this meeting.

Ms. Moore wrote, “There are so many meetings and projects, so many questions, it feels like a whirlwind of activity. I notice that you have three agenda items on tonight's agenda (8, 9, 10). I think both members of the public and members of Lancaster’s boards and committees are getting frustrated regarding public comments and opportunities for the public to weigh in on all these. Would it be possible for you, the Town, to help set expectations regarding how best to submit questions and comments, as well as how and when the Town will and can respond. I think this will benefit boards and the public, thank you.” Mr. Allison noted this will be addressed later in the meeting.

## **VI. TOWN ADMINISTRATOR’S REPORT - NONE**

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

### **1. Discuss potential Select Board articles for Fall Town Meeting (Moody/Allison)**

Mr. Allison noted that the proposed articles for the Fall Town Meeting are in the Select Board’s meeting packet and that he hoped the Board had reviewed them. He asked Mr. Pacheco to walk through them. The goal is to give feedback to Mr. Pacheco and to give him an opportunity to start writing material for the articles prior to the 11/16 meeting.

Article 1. National Grid Easement. The Town of Lancaster must provide National Grid an easement to install wires for the purposes of constructing three vehicle charging stations this easement will lay out the sequence for the construction. Mr. Pacheco explained that this is standard, and the easement language is ready, it just needs an article on the Warrant. The Select Board had no comments or questions.

Article 2. National Grid Easement / Solar Installation. National Grid is requesting an easement for the solar installation behind Nationwide Auto. Mr. Pacheco explained that this presents no issues; this just reroutes some poles so that the panels are elevated above the cars.

Article 3. Discontinuance at Old Lunenburg Road. This article is being requested by the abutting landowner. It has been reviewed by the Planning Board. The discontinuance will revert the land back to the abutter. The property is along the numbered road. Mr. Pacheco explained that this was previously brought before the Board, was sent to the Planning Board for review and is good to go. The DPW doesn’t maintain it and has no interest in doing so. Mr. Pacheco explained that this is a tiny sliver of land between Nationwide Auto and the gas station. Ms. Turner would like a map included with Meeting Materials.

Article 4. North Lancaster Zoning. The Town has been discussing potential zoning changes to some of the area owned by Capital Group Properties. The Town has also been working on developing a 40R zoning district, to facilitate the creation of additional affordable rental housing. Mr. Allison asked Mr. Pacheco to put this together, laying out the pros and cons for the Board. He suggested that it would be helpful to include some perspectives from department heads with impact to fire and police, and what costs might be involved. Mr. Moody wants to



know rezone to what zoning type. Mr. Moody would like a couple of things added to the agreement. He wants to make sure that there is no rezoning unless there is a complete and simple agreement that the Town gets the 86 acres in question if there is rezoning, and that the 40R will absolutely be built if the rezoning happens. Ms. Turner would like a placeholder for this article but feels that Capital Group is unclear about how they want this parcel rezoned and thinks it's a long way off in the language. She would like Mr. Pacheco to produce an Executive Summary that eventually could be used as part of a document that the Board helps edit and is sent out, similar to voter information books that have been done in the past, or it could be available electronically with a card sent out to all voters in Town, which would be vetted by the Secretary of State to ensure that it's neutral.

#### Article 5. Capital Plan Articles

- A. Cemetery Tree cutting, \$15,000
- B. Water meter Replacement, \$200,000
- C. Middle School Boiler Replacement

Mr. Pacheco explained that the tree cutting has been discussed with the Historial Commission. The goal is to provide \$10,000 per year in the Capital Plan. Mr. Pacheco suggested that ideally this funding would be \$30,000 every three years, so that they can do more work with the same amount of money with one appropriation. This \$15,000 is to get them through to complete their work in the North Cemetery, and then they will regroup.

The water meter replacement has some time sensitivity, and the Town will need to do some due diligence on the selection and implementation process. This is currently estimated at about \$200,000. This is an item that the DPW has been planning for some time, and it's about getting better accuracy in their meter reads.

The middle school boiler replacement has been previously discussed by the Board and will need a funding solution, estimated at \$100,000. Work is planned to start in late December, barring any issues with supply chain, and some of the materials have been ordered so as not to have heating issues at the school this winter. This may cause the Board to need to authorize deficit spending prior to Town Meeting. Mr. Allison noted that the Superintendent assures the Town that no child will be cold.

Article 6. Acceptance of Massachusetts General Law (MGL) 9, Section 21A, Additional compensation for a Certified Assessor. This was discussed when the Assessor was hired and is similar to statutes in place for Town Clerk and Treasurer/Collector. Once certified, the Assessor would receive an additional \$1,000 per year.

Article 7. DCAMM Property. The Town will need to petition for Special Legislation to allow the filing of the authorization of the Land Sale Partnership with DCAMM for the 75 acre parcel on Old Common Road and Still River Road. This does not mean that the Town is any other commitment, but the Town cannot move forward without this. Ms. Turner is trying to confirm with our legislators to make sure this timeline will work. Mr. Pacheco stated that he spoke to Meg Kilcoyne today and that it should be fine.

Article 8. Fiscal Year 2022 Budget Adjustment. Mr. Pacheco explained that a number of tweaks are needed overall, some to the revenue side and some to the expense side. Financial Director Cheryl Garipey is putting this together now for the Finance Committee. Ms. Turner asked for an explanation of the “tweaks.” Mr. Pacheco offered as an example compensation for the Human Resources Director; we were anticipating some additional support in Community Development and Planning; we’ll have to filter out some of the positions that are being filled. The hope is that money just needs to be moved rather than appropriated, but the line items still need to be re-aligned appropriately. Ms. Turner also asked where people could find this list; Mr. Pacheco said that it could be found under “Meeting Materials” on the Select Board page.

Ms. Turner stated that the Board needs to get together with the Board of Health to talk about logistics for a February Town Meeting, and that the Board needs to discuss when the warrant will open and close. Mr. Pacheco replied that he spoke to the Board of Health today, and that if the setup has appropriate safeguards in place there should be no issues. He noted that anything that needs to be ordered should be done well in advance.

Mr. Allison said that from his perspective, we ask our kids, our teachers, our police officers, and our firemen to work with the public every day, so it’s reasonable to ask residents to go vote. Mr. Pacheco added that there are lots of rumors in Town about how widespread COVID is in the Town. The accurate number as of today, is 24 cases spread through 20 households.

Ms. Turner stated that this Town Meeting will be voting on important changes that will impact the rest of people’s lives, so she does not want to diminish people’s health concerns. Lancaster’s vaccination rate remains at 53%. Ms. Turner wants to explore the possibility of hybrid Town Meetings. Mr. Moody would like to know more about hybrid or Zoom Town Meetings.

<b>VIII. APPOINTMENTS AND RESIGNATIONS - NONE</b>
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<b>IX. LICENSES AND PERMITS - NONE</b>
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<b>X. OTHER/UNFINISHED BUSINESS - NONE</b>
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*\*\* Tabled to Regular Meeting scheduled November 15, 2021. \*\**

<b>XI. NEW BUSINESS - NONE</b>
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*\*This item is included to acknowledge that there may be matters not reasonably anticipated by the Chair*

<b>XII. COMMUNICATIONS</b>
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- Creating link on website for public comments\*
- Created email address regarding North Lancaster public comments\*
- Select Board’s next regular meeting will be held via Zoom on November 15, 2021 at 6:00pm

Mr. Allison would like a link created on the Select Board website to submit public comment. He said there is currently a problem with people sending comments to individual members or staff. There is currently a link to send comments specifically about North Lancaster development, but not for other comments.

*Mr. Allison moved to create a public comments link on the Select Board website. Mr. Moody seconded. Ms. Turner approves of this as long as there are still hyperlinks to individuals. She does not think that the current link to submit comments about North Lancaster development is easy to find or that they work well. Mr. Moody thinks that anything that improves communication is good. Vote taken. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

*Mr. Allison moved to create a small portlet on the Select Board website that will allow users to submit comments regarding North Lancaster which would then be disseminated to all appropriate parties. This would stop worry about when comments come in, or forwarding comments. Mr. Moody seconded. Ms. Turner thinks that there are comments that need to be filtered before they are sent to the Capital Group. Mr. Allison opposes this idea. Ms. Turner thinks that it could go unfiltered if it were boldly marked to make sure that the sender understands the recipient list. She also thinks all documents need to be searchable online.*

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

### **XIII. ADJOURNMENT**

*Select Board member Jay Moody offered a motion to adjourn the meeting at 8:42 pm; seconded by Ms. Turner. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Respectfully submitted,

Kathleen Rocco  
Executive Assistant

**APPROVED**

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Jay M. Moody Clerk  
Approved and accepted: December 20, 2021