

Affordable Housing Trust  
November 18, 2021  
Meeting held via Zoom videoconference

Roll Call

Present were:

Victoria Petracca, Chair  
Frank Streeter, Secretary  
Jay Moody (arrived late due to SB meeting)  
Carolyn Read  
Debra Williams  
Marilyn Largey, ex officio

Chair Victoria Petracca called the Affordable Housing Trust's (AHT) meeting to order over Zoom at 7 PM and called the roll of the Trustees.

**Approval of Meeting Minutes**

After a brief discussion,

**Trustee Read moved to accept the amended minutes of the Trust's October 7, 2021 and October 21, 2021 meetings; Chair Petracca seconded the motion, and the motion passed on a 5-0 vote for the October 21 meeting and 4-0-1 for the October 7 meeting with Trustee Williams abstaining as she wasn't there.**

**Monitoring of Lancaster's Existing Affordable Housing Inventory**

Trustee Read updated the Board on the status of 32 Carter St. Now AHT has the correct deed rider language from DHCD, Trustee Read will approach the homeowner to see if they would be willing to sign the updated version of the deed rider that would allow 32 Carter to be formally added to Lancaster's affordable housing inventory.

Chair Petracca briefed the Board on the Harbor Homes project now being built at 2038 Lunenburg Road. She has followed up with Atty. Campobasso about the status of the affordable housing consultants Harbor Homes needs to work with on the DHCD application process, but has not had a response in about a month. Chair Petracca will email Atty. Campobasso again to see what is happening and the causes of the delays.

Chair Petracca briefed the Board on the former Jones Crossing development. The developer was in front of the ZBA today and they approved the requested transfer of the Comprehensive Permit. The developer's meetings with the Board of Health about using the existing sewer system for the project are still in process. [Trustee Moody joins the meeting]

**Scheduled Appearances**

None

**Continued Discussion of 40R Zoning in North Lancaster**

Chair Petracca updated the Board on Town Counsel's comments on stormwater management permitting in the 40R zone and expressed her concerns about having the 40R's PAA be the stormwater permitting authority. The Board discussed the issue of stormwater management permitting in general. Chair Petracca reported that Town Counsel Jonathan Eichmann of KP Law advised her that if the 40R PAA becomes the stormwater management permitting authority for the 40R zone then the Town's stormwater bylaws would need to be changed to accommodate this.

The Board again discussed the PAA for the 40R zone. Trustee Williams reviewed why the Board chose the PAA that it did and why it is a good idea for this zone. She stressed the benefits of having a diversity of views and experience on the PAA. Chair Petracca expressed her preference for a collaborative process.

Town Counsel, DHCD, and Town Planner (consulting) Mike Antonellis have all approved of the proposed PAA, although there has been some opposition to this PAA, notably from members of the Planning Board. Given the differing opinions of members of the community Chair Petracca proposed having the Planning Board be the PAA for the 40R zone as a way of mediating the situation in an effort to avoid conflict. Trustee Read commented that the proposed PAA seems like the best for the Town independent of political considerations. Trustee Williams stated that the proposed PAA is forward looking and a good way of handling permitting for the Town in this case.

**Secretary Streeter moved to delete existing Section 5 of the 40R proposal, which as per Lancaster's existing zoning code will leave the Planning Board as the stormwater management permitting authority for the proposed 40R zone, and to renumber the document as needed; Trustee Williams seconded the motion, and the motion passed on a 5-0 vote.**

Chair Petracca noted this will bring a consistent approach to stormwater management and would also not require a request to Town Meeting to change another part of the Town's existing zoning code. Chair Petracca then asked for public comment on the specific issue of the proposed PAA.

North Lancaster resident Rob Zidek complemented the AHT for its work on the 40R proposal and expressed his desire to "get it over the line."

North Lancaster resident Justin Smith commented that he believes that people perceive the proposed PAA as being put in place to smooth the path for the developer. He too expressed his appreciation for the hard work of the AHT and stated that he thought the whole issue of the PAA would be much less controversial if it was linked to a different development proposal than the one currently being put forward by Capital Group.

-the Board took a 2 minute tech break to allow time to reboot computers-

At the resumption of the meeting Chair Petracca expressed her concerns about the political issues that have arisen around the proposed PAA and that they are distracting from all of the good work that's been done on the 40R district proposal.

In response to comments she has received Chair Petracca commented on the need for the Chair to speak with developers and others interested in the creation of affordable housing. She pointed out that giving information is not "undue influence" and is a requirement of her position. Secretary Streeter, pointing to his 20 years as a Library Trustee and witness to the work of its Chair, Emily Rose, stressed the Chair's role outside of meetings and the Chair's responsibility to reach out to stakeholders. He reminded the Board of the various bright lines in the State's Ethics Code and that all deliberations, as opposed to simple conversations, must take place in an open meeting.

Chair Petracca asked if there was a motion to replace the current proposed PAA with the Planning Board in an effort to avoid conflict over the PAA, but there was no response.

The Board reviewed the current draft of the 40R zoning proposal and made some small edits.

**Secretary Streeter moved to delete helipads as an approved use in the 40R zone; Trustee Read seconded the motion, and the motion passed on a 5-0 vote.**

Secretary Streeter noted North Lancaster resident Rob Zidek's email concerning the various definitions in Section K of the proposed bylaw. Secretary Streeter commented that he shared Zidek's concerns, but Chair Petracca reminded the Board that this language came directly from DHCD and should not be changed.

**Secretary Streeter moved to send the version of the 40R proposal with these edits to the Select Board for a hearing and for them to forward to DHCD; Trustee Read seconded the motion, and the motion passed on a 5-0 vote.**

Chair Petracca reviewed the timing of hearing and approval process. The Planning Board needs to receive a final draft, as approved by the Select Board and DHCD, by December 27 for them to be able to schedule the required public hearing before a vote at the Special Town Meeting, which is now expected to be in February. The Planning Board hearing will probably be on January 24.

The Board discussed the Memorandum of Agreement (MOA) that needs to be negotiated with Capital Group in reference to the proposed rezoning. Chair Petracca discussed Maynard's experiences with a MOA and how one could work for Lancaster. Secretary Streeter suggested expending the MOA to cover the back land, as no one appears to be negotiating one, but Chair Petracca feels strongly it should be limited to the 40R zone.

Chair Petracca reviewed Maynard's MOA and went through a template she made from it that could be adapted for Lancaster. She went through the template clause by clause to

ensure the Board knew what it covered. Trustee Largey asked about the mix of units in terms of both bedrooms and affordability.

**Trustee Read moved to send the draft MOA to Town Counsel for their review and comment; Trustee Moody seconded the motion, and the motion passed on a 5-0 vote.**

Chair Petracca updated the Board on Lancaster's housing inventory. DHCD's once a decade recalculation of those numbers has been delayed until 2022 due to late census data. In 2010 DHCD certified that the Town had 2544 year round residential housing units and Deb Dennis of Lancaster's Planning Dept. confirmed that 165 building permits were issued from 2010-2020. Assuming all 165 permitted units were completed, the total number of housing units in Lancaster for DHCD's purposes from now until 2030 is likely to be about 2709 units. DHCD will give a formal confirmation of this number in 2022.

### **Public Comment**

North Lancaster resident Rob Zidek (103 Kaleva Rd.) asked that the AHT delay all proposals for zoning changes until the Annual Town Meeting in June and not put them on the warrant for the Special town Meeting in February.

Finance Committee member Dick Trussel said he would provide a financial analysis of the 40R vs. 40B proposals and will provide it to both AHT and Zidek.

North Lancaster resident Justin Smith (4 Turner Ln.) said he appreciates all of AHT's hard work on the 40R proposal and that he feels strongly the MOA is essential to the process and to make sure Capital Group keeps all their commitments to the Town.

### **New Business**

None

### **Communications**

Chair Petracca noted that MWCD/ARHC now has a new Executive Director.

The next two scheduled Affordable Housing Trust Meetings will be held on Thursday, December 2, 2021 at 7 P.M. via Zoom, and on Thursday, December 16, 2021 at 7 P.M. via Zoom.

### **Adjournment**

There being no further business to consider,

**Trustee Williams moved to adjourn the meeting; Trustee Moody seconded the motion, and the motion passed on a 5-0 vote.**

The meeting adjourned at 9:28 PM.

Respectfully Submitted,

Frank S. Streeter, Secretary