

Affordable Housing Trust
February 3, 2022
Meeting held via Zoom videoconference

Roll Call

Present were:

Victoria Petracca, Chair
Frank Streeter, Secretary
Jay Moody
Carolyn Read
Debra Williams
Marilyn Largey, ex officio

Chair Victoria Petracca called the Affordable Housing Trust's (AHT) meeting to order over Zoom at 7:02 PM and called the roll of the Trustees.

Approval of Meeting Minutes

After a brief discussion,

Trustee Read moved to accept the minutes of the Trust's January 6, 2022 and January 20, 2022 meetings; Trustee Williams seconded the motion, and the motion passed on a 5-0 vote.

Updates to Lancaster's Subsidized Housing Inventory (SHI)

Trustee Read updated the Board on the status of 32 Carter Street. Apparently the current owners now wish to sell. If the closing of the sale is likely to be more than six months away then Trustee Read will try to get the owners to sign the updated deed restriction now, but otherwise it can be done at the closing. The property is presently deed restricted but DHCD's deed restriction language has been updated since those restrictions were put in place, thus the need for the new version. Trustee Read explained the marketing plan for the unit including the fact that DHCD must approve any buyer.

Chair Petracca briefed the Board on the Harbor Homes project now being built at 2038 Lunenburg Road. There has been no progress on actual construction since last meeting.

Scheduled Appearances

None

Continued Discussion of 40R Zoning in North Lancaster

Chair Petracca confirmed that the new section on traffic approved at the previous meeting had been added and the draft renumbered, but she had not posted it yet in anticipation of further changes at this meeting. Chair Petracca then reviewed the anti-segmentation language from the Town's existing Inclusionary Zoning bylaw and highlighted the edits needed to use it for the 40R by-law.

Chair Petracca noted that Planning Board Chair Russ Williston had told her that the Town's newest by-laws have not yet been posted on ecode. The Town Clerk is researching this and will have those by-laws posted as soon as possible.

The Board then discussed the anti-segmentation provisions as set out in the Town's recently adopted Inclusionary Zoning by-law.

Secretary Streeter moved to add the anti-segmentation language from the Town's Inclusionary Zoning by-law into the 40R proposal, including any edits needed to make the language conform to the 40R, and to insert it as Section I-5 and renumber the document as appropriate; Trustee Moody seconded the motion, but discussion continued and no vote was taken.

The Board discussed if a definition of segmentation was needed in the definitions section, and decided it was not. Lancaster resident Rob Zidek (103 Kaleva Road) inquired about the grammar in the clause, which the Board discussed and decided was ok as is. Secretary Streeter complimented Mr. Zidek for his sharp eyes.

Chair Petracca then discussed the total buildout capacity of the 40R zone, both total units and incentive units. She is following up with DHCD and Lancaster's Town Planner to gain further clarity about this issue. The Board discussed the implications of full buildout and if it would be desirable to remove the soccer fields from the proposed 40R zone, which would reduce its maximum number of units by 377. Chair Petracca reviewed the parcel map with buildout numbers for each lot and explained that the sum of those numbers does not equal the total number of units due to rounding errors.

Chair Petracca discussed reasons to exclude the soccer fields from the 40R zone. She noted that even without the soccer fields the maximum buildout of the 40R zone would be 752 units, just enough to meet the Commonwealth's new MBTA zoning requirements if needed. However the loss of the 20 acres of soccer fields would bring the 40R zone down to less than 50 acres, thus requiring another MBTA multifamily housing zone be created somewhere else in Lancaster.

Chair Petracca noted that the Planning Board is taking the lead on the new MBTA zoning and would like to hear from AHT with suggestions. Trustee Williams asked about the impacts of a smaller 40R district in terms of the MBTA zoning. Chair Petracca stated that MBTA zones do not need to be contiguous, but there is a 5-acre minimum size requirement. The proposed 40R district as presently configured is about 63 acres. The soccer fields are about 20 acres, so if they were excluded from the proposed 40R it would be reduced in size to 43 acres and the Town would have to find another 7 acres for another MBTA zone elsewhere.

In response to a question from Trustee Largey, Chair Petracca reviewed the ownership of the lots in the proposed district, at least as presently known. Chair Petracca also noted that the only landowner who had contacted the AHT about any aspect of the 40R was Capital Group.

Chair Petracca reminded all in attendance of the survey on the Town website seeking comments about the MBTA zoning requirements. Trustee Read pointed out that there is no requirement for affordable housing in the new MBTA zoning regulations. Lancaster resident Mark Grasso asked if construction in any MBTA zone would be subject to Lancaster's inclusionary zoning requirements. Chair Petracca stated that the inclusionary zoning requirements would be in place in any MBTA districts. Secretary Streeter suggested writing the Town's inclusionary zoning requirements into any proposed zoning regulations for the new MBTA zone(s).

Chair Petracca stated that while DHCD regulations would require new hearings if the proposed 40R district were to be increased in size, that would not be the case if the proposed district were shrunk, for instance if the soccer fields were to be excluded.

Lancaster resident Dick Trussell (15 Burbank Lane) asked where the new 7 acre MBTA zone might be located if the soccer fields are excluded from the 40R zone. He would prefer to see a smaller zone that keeps the soccer fields but excludes the roadside parcels. He also expressed concerns about the soccer fields being replaced by more warehouses.

Chair Petracca reminded the Board about the upcoming appearance before the Planning Board on February 9 to discuss MBTA zoning issues. She will post the meeting in case deliberations occur. Secretary Streeter and Trustee Largey have conflicts and are unable to attend. Chair Petracca noted that the Planning Board's recent suggestions had been incorporated into the 40R final draft and it was ready to send on to DHCD. Trustee Williams interjected to state that was not accurate, as the Board had neglected to actually vote on the anti-segmentation language previously moved and discussed.

Chair Petracca called the vote and the motion passed on a 5-0 vote.

After discussion about sending the completed proposal to DHCD,

Trustee Read moved to send the current final draft of the proposed 40R zone to DHCD for preliminary approval; Trustee Moody seconded the motion, and the motion passed on a 5-0 vote.

Chair Petracca will work with Interim Town Administrator Jeff Nutting to coordinate the filing with DHCD. She reported that she expected to hear from Town Counsel with a first draft of AHT's Memorandum of Agreement with Capital Group "early next week".

Chair Petracca discussed submitting a public comment in reference to the new MBTA zoning requirements. She confirmed the Board objects to both the 750 units requirement as far too big for Lancaster and similar towns, and to the lack of affordability requirements for any housing built in MBTA zones.

Public Comment

Lancaster resident Rob Zidek (103 Kaleva Rd.) asked if changes to the draft 40R proposal would require a new hearing. Chair Petracca noted that all public comments received at or before the hearing will be submitted to DHCD with the application, including a transcript of the Zoom of the hearing. She noted that the AHT is addressing both the traffic and total capacity issues raised in public comments at the Select Board hearing. DHCD will review all public comments received and may make suggestions to modify the 40R proposal in response to those comments.

Mr. Zidek asked about the Goodrich Brook 40B development off of Sterling Road that is presently in litigation and how that project would affect the Town's affordable housing inventory if the developer prevails in court. Chair Petracca reported that even if Goodrich Brook proceeds as originally planned, it would only add 110 affordable units to the Town's inventory, which would not have been enough to get the Town over the 10% threshold, even based on the 2010 census numbers.

Mr. Zidek made some further comments about the various flaws in the new MBTA zoning regulations. Secretary Streeter and Chair Petracca encouraged him to submit public comments to DHCD and to Lancaster's Town Planner in an effort to improve those guidelines.

New Business

Chair Petracca reviewed DHCD's 10% affordable housing requirement, and if it was actually effectively 10.1% as had been discussed at AHT meetings. She reached out to DHCD to confirm the language of the statutory requirement is above 10%, which it is, but DHCD pointed out that rounding numbers is not allowed when calculating the 10% threshold. [i.e. 9.9 is still less than 10 and does not round up to 10] This means that Lancaster needs to have at least 279 affordable units to meet the 10% affordable housing threshold under the 2020 census numbers, rather than the 282 units that had been previously discussed at the 10.1% level.

Communications

Chair Petracca noted the Capital Group's next presentation about their project, "The Landing" had been postponed.

Secretary Streeter announced that the next meeting of the Memorial School Reuse Committee would be postponed until he heard from Town Counsel about Article 97.

The next two scheduled Affordable Housing Trust Meetings will be held on Thursday, February 17, 2022 at 7 P.M. via Zoom, and on Thursday, March 3, 2022 at 7 P.M. via Zoom.

Adjournment

There being no further business to consider,

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

The meeting adjourned at 8:49 PM.

Respectfully Submitted,
Frank S. Streeter, Secretary