

Affordable Housing Trust
October 7, 2021
Meeting held via Zoom videoconference

Roll Call

Present were:

Victoria Petracca, Chair
Frank Streeter, Secretary
Jay Moody
Carolyn Read
Debra Williams (absent)
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 September 2, 2021 meeting; Trustee Moody seconded the motion, and the motion passed on a 4-0 vote.

Monitoring of Lancaster's Existing Affordable Housing Inventory

Trustee Read updated the Board on the status of 32 Carter St., noting that she had still not heard back from DHCD. Chair Petracca will contact DHCD directly and will ask Lancaster's Town Administrator, Orlando Pacheco, to also reach out to DHCD.

Chair Petracca briefed the Board on the Harbor Homes project now being built at 2038 Lunenburg Road. As decided at the Board's September 16 meeting, Chair Petracca wrote to Planning Board about the status of the affordable units and then appeared at the Planning Board meeting with the developers. Apparently Atty. Campobasso, who is representing Harbor Homes, will have an update at the time he appears in front of the Planning Board about their stormwater management permit. The AHT will review the draft Affirmative Fair Housing Marketing Plan and completed Local Action Units application for the units once received. The process is from the AHT to the Select Board and then on to DHCD for final approval.

Scheduled Appearances

None

Continued Discussion of 40R Zoning in North Lancaster

The Board reviewed Town Counsel's comments about the latest 40R draft and agreed to accept most of the proposed changes, although Chair Petracca will forward some of them to DHCD for their feedback. Chair Petracca will ask DHCD for clarification about how

Stormwater Management Permits are handled under 40R. The Board also reviewed the proposed Permit Approval Authority (PAA).

The Board discussed design standards for the 40R zone. Secretary Streeter emphasized the need for standards in the regulation and Chair Petracca said she would review various options and ideas for it. The Board agreed that input and support from Karen Chapman of MRPC about this would be helpful, as well as any templates she may have.

Trustee Moody moved to accept all of Town Counsel's recommendations for the 40R except those to be forwarded to DHCD for review; Secretary Streeter seconded the motion, and the motion passed on a 4-0 vote.

Further discussion of design standards was tabled until a future meeting.

The Board discussed a recent letter from the Planning Board about the proposed PAA and their opposition to the current draft, and their insistence that the Planning Board be the PAA. Chair Petracca forwarded Town Planner (consulting) Mike Antonellis' comments on the draft 40R to the Planning Board for their comments, and attended their September 27 meeting on the topic. The only issue the Planning Board expressed about the draft at that meeting was their previously expressed comments about the PAA.

The Board then discussed each of the Planning Board's 4 reasons why they should be the PAA and not the PAA as specified in the 40R draft. [refer to Planning Board's letter for exact language] The first was that the Economic Development Committee was a temporary Board, and thus questioned the validity of their representative. Secretary Streeter noted that the Boards that have nominated members on the PAA, excluding the AHT, are all state mandated permanent Boards, (Planning Board, ConComm and ZBA) and that the EDC is appointed by the Select Board who could nominate their own member should the EDC not be in existence at the time. It is also possible that the Select Board will make EDC a permanent committee, thus rendering this argument moot.

The Planning Board's next points were that this PAA wouldn't have enough work to justify their existence. Chair Petracca noted that even if this PAA was limited to the current 40R zone there were at least 5 landowners involved and the possibility of others. The Planning Board also thought having the PAA craft regulations for the 40R could be onerous given the large amount of work required.

Finally the Planning Board letter stated that the PAA would be unable to act independent of influence from developers, especially as the Select Board would effectively be appointing 4 out of 5 of its members. Chair Petracca noted that none of these members would be chosen by the Select Board, each would be nominated by a specific committee by a vote of their members. Member Moody also disagreed with the Planning Board's comments, especially about undue influence.

The Planning Board letter noted that most towns have the Planning Board as their PAA. Chair Petracca pointed out that 30% do not and defended a multidisciplinary approach to

the process. She observed that, while involvement from the Planning Board is great, there are other Boards that need to be involved too.

Chair Petracca asked the Board if the letter from the Planning Board required a formal response and the sense of the Board was that it did. Chair Petracca will draft a response and bring it to the next meeting for review.

The Board discussed the member of the PAA from the EDC and what should happen if the EDC was no longer in existence.

Secretary Streeter moved to alter the draft of the 40R to state that if the EDC ceased to exist at any point the EDC member would be replaced by one nominated by the Select Board; Trustee Moody seconded the motion, and the motion passed on a 4-0 vote.

EDC member George Frantz commented that it was the goal of the EDC to become a permanent committee of the Town.

Chair Petracca reported that the Board's draft 40R zoning proposal had been sent to DHCD but no response had been received yet. She hopes to get it before the Board's next meeting on October 21. Karen Chapman of MRPC will attend that meeting to review what are hoped to be final changes.

The Board then discussed consultants RKG's Financial Impact Report. Secretary Streeter raised questions about the methodology of the report and some of its base assumptions. Chair Petracca noted that the report did not include any of the 40R or 40S subsidies in its calculations, nor did it include revenues from the proposed commercial development in the 40R zone. She will send a letter with these concerns to both the EDC and to RKG.

The Board then discussed the issue of AHT participation in the Town's proposed forums concerning Capital Group's North Lancaster development as a whole, and not just the 40R component. Chair Petracca asked the Board for thoughts on participation. Secretary Streeter favored a 30,000' presentation without great detail, as did Trustee Read. The Board favored covering the benefits to the Town and general information, i.e. what's going to happen on the site? What's going to happen in Town as a result, and how does all that benefit the average Lancaster citizen and taxpayer?

Finance Committee member Dick Trussell asked the Board to write up a comparison of Capital Group's 40R and 40B plans. Secretary Streeter felt that was not the Trust's role and that it should be done by the EDC or the FinComm. Mr. Trussell stated he wants to see an analysis of the two from AHT's perspective.

Chair Petracca briefed the Board on the CHAPA assistance program for public education and advocacy for affordable housing beyond just the Trust's efforts. Trustee Read discussed the benefits of the program. She described a "Housing for All" program in

Acton that she felt had been very good. It was the sense of the Board that Chair Petracca should fill out an application and circulate it, which she said she would do.

Public Comment

North Lancaster resident Rob Zidek tried to make a comment but was stymied by technical difficulties.

Planning Board member Greg Jackson thanked the Board for all its hard work on the 40R bylaw. He also stated that he supported the points in the Planning Board's letter about the PAA.

Rob Zidek (still a resident of North Lancaster) triumphed over his tech gremlins and also started by thanking the Board for its efforts. He asked for a review of what can happen in a 40R district and what could not. He was referred to the proposed use regulations. He asked for an explanation of the differing effects of the proposed 40R and 40B options, which has become a popular question. He stated that given the level of concern about Capital Group's project that the Planning Board should be the PAA to help "sell" the deal (i.e. proposed zoning changes) to the Town. He noted, "North Lancaster residents trust the Planning Board." However he said he could go either way on the issue.

Finance Committee member Dick Trussell estimated the 40R proposal would bring in a net of about \$1.5M in revenue to the Town, but the 40B plan would drop that to about \$650K. He agreed that the financial estimates of the project's impact needed to be updated to clarify these amounts. Previous impact estimates have used a cost of \$10K per student per year for the Nashoba school system, but Mr. Trussell pointed out the correct number is \$16,450 for Nashoba. The cost for Lancaster students to attend Minuteman is well over twice that, a cost that was not considered at all by RKG. SPED costs were also not considered, but are very difficult to estimate accurately. He also noted that RKG's analysis did not consider and excise or meals tax revenue. Chair Petracca thanked him for his obvious hard work.

EDC member George Frantz thanked the Board for their hard work on the 40R plan. He noted that it is the golden goose that everyone likes, as opposed to the truck traffic. He advocated for public forums to discuss the project, but only if they are run by a skilled moderator to keep things on track and stop duplicative comments.

Rob Zidek (comment #2) said that he was not unconcerned about revenues from the project, but the Town needs to consider traffic, air quality, noise, and the like too. He wants a pedestrian safety assessment for the area.

Greg Jackson (comment #2) expressed his concerns about the 40B proposal and that it felt like "threats" from Capital Group. Chair Petracca reminded Greg and the Board that Capital Group's first proposal was for a 40B and this 40R plan only came out of their willingness to negotiate options with the Town.

Secretary Streeter brought up the concept of BATNA in relation to the negotiations. BATNA is Best Alternative To a Negotiated Agreement. Capital Group is very clear on their BATNA if they do not get their requested zoning changes, which is their 40B plan. Secretary Streeter asked what the Town's BATNA was, and specifically what the BATNA was for the residents of North Lancaster? He expressed his concerns that the Town and its residents do not know their BATNA and many are reflexively opposing the development rather than seeing how a mutually agreeable solution could be achieved.

Chair Petracca thanked everyone who commented for their interest and feedback.

New Business

Trustee Moody said he had toured the DCAMM property with our State Rep. Meghan Kilcoyne and State Senator John Cronin, who are apparently willing to support a transfer of the property to the Town. Secretary Streeter urged the Select Board to ask for the transfer to include the land presently occupied by the RFK School they occupy on a 99-year lease from DCAMM. The underlying fee interest should not be worth very much given the lease and that would eventually give the Town full control of the site without requiring a further act of the Legislature.

Chair Petracca was pleased to announce that the Town's new CPA Committee bylaw had been officially approved by the AG and the Select Board has already posted looking for members.

Communications

The Select Board will hold a meeting on the DCAMM site on October 26 at 6 PM over Zoom to get a revised presentation from DCAMM about the possible transfer of the site to the Town and to discuss next steps.

The next two scheduled Affordable Housing Trust Meetings will be held on Thursday, October 21, 2021 at 7 P.M. via Zoom, and on Thursday, November 4, 2021 at 7 P.M. via Zoom.

Adjournment

There being no further business to consider,

Secretary Streeter moved to adjourn the meeting; Trustee Read seconded the motion, and the motion passed on a 4-0 vote.

The meeting adjourned at 9:24 PM

Respectfully Submitted,

Frank S. Streeter, Secretary