

Approved: March 17, 2022

**MINUTES OF THE PROCEEDINGS OF
THE LANCASTER AFFORDABLE HOUSING TRUST (“AHT”)**

Meeting conducted via ZOOM internet conferencing
Wednesday, February 9, 2022

Present: Victoria Petracca, Chair
Jay Moody
Carolyn Read
Debra Williams
Frank Streeter, Secretary (joined during the meeting)

Absent: Marilyn Largey, ex officio

List of Documents: Smart Growth Residential Density Map
Data Density Spreadsheet

I. Call to Order & Administration

Chair Victoria Petracca called the Affordable Housing Trust (“AHT”) meeting to order over Zoom at approximately 7:07 PM and called the roll of the Trustees.

Zoom meeting link: <https://us02web.zoom.us/j/82066260624> Meeting ID: 820 6626 0624

II. Joint Meeting with Planning Board

The AHT then joined a meeting of the Lancaster Planning Board (“PB”) for a discussion of the proposed 40R District as a scheduled agenda item. This is referenced on the Planning Board’s agenda of the same date as item #3 “Discuss Proposed 40R Bylaw with Member(s) of the Lancaster Affordable Housing Trust.”

Following the Trust’s Agenda:

1) Discuss proposed 40R bylaw, including total capacity

PB Chair Russ Williston explained the PB had contacted town committees about the March 14, 2022 deadline for submitting zoning hearing petitions, and also invited them to come speak about their bylaw in advance, and that the Trust had requested to speak about the proposed 40R bylaw. He recognized the AHT and clarified there are two consecutive PB agenda items, the 40R bylaw discussion followed by discussion of the new MBTA legislation, and that he would like to separate the two discussions. AHT Chair Petracca thanked the PB Chair and opened the AHT meeting. She then thanked the PB and in

particular for its letter submitted to the Trust dated January 10, 2022. Chair Petracca shared that the AHT wanted to provide an update to the points included.

First, she shared the Trust had updated the proposed 40R bylaw with a traffic review section as requested by the PB Chair during public comment at the Select Board public hearing on January 19, 2022 and also raised as point #8 of the PB's January 10, 2022 letter. The PB Chair provided Section 220-34 after the Select Board hearing which was the basis for the new Section H in the latest version of the bylaw, Version 10, which is available on-line.

Anti-segmentation language, point #3 in the Board's letter was also added. The language used was taken from the Town's Inclusionary Zoning bylaw and included as Section I-5 in Version 10 of the proposed 40R bylaw.

Marijuana dispensary uses were removed by the Trust prior to receiving the Board's letter containing point #7 on this topic, and this is now reflected in Version 10.

Chair Petracca shared that infrastructure requirements for 40R approval by DHCD were reviewed and discussed at the Select Board hearing, addressing points #2 and #5 in the Board's letter.

The Memorandum of Agreement ("MOA") for the 40R District will be shared with DHCD, point #6 in the letter, and a draft is expected from town counsel this week that the Trust will post on-line on its webpage.

AHT Chair Petracca stated that the Trust wanted to discuss a remaining item, point #1 in the PB letter, that the PB finds the estimated number of incentive units, i.e. total capacity in the proposed 40R District too large. The Trust is reviewing a reduction in the total capacity and is seeking input from the PB. She presented the data density spreadsheet required in DHCD's 40R application, how it works, and was completed. The current number of Total Potential Bonus Units in the density spreadsheet is 1,132 units (using "Substantially Developed Land") of which there are 674 Incentive/Estimated Bonus Units. The PB Chair asked which density this is using. The AHT Chair clarified this is using 25 units per acre. She explained there is no rounding up because a partial unit, even if just below a whole number, as a partial unit cannot be constructed. Additionally, the 40R residential density map displays slightly lower counts per parcel than the spreadsheet. This is because MRPC "cleaned up" the accumulated partial units and therefore the parcel map is more accurate than the spreadsheet. The Total Potential Bonus Units in the spreadsheet, known as Future Zoned Units on the parcel map, is 1,129 units and Total Potential Bonus Units are 671 units. The Trust voted to remove the soccer field parcel with 377 Future Zoned Units and explained why. The new 40R acreage is approximately 44 acres. PB Member Carol Jackson raised a reference to the draft guidelines of the MBTA multi-family zoning requirement to "reasonable size" of the district. PB Chair Williston requested that discussion of the MBTA requirement be held

until the following agenda item. PB Chair Williston asked if the soccer parcel was considered gross buildable or constrained land and AHT Chair confirmed it was gross buildable area. AHT Chair Petracca then presented via screen-share the current 40R parcel map and legend. Removing the soccer parcel brings the total Future Zoned Units to 752, i.e. 2 units above the MBTA requirement. AHT Chair Petracca reminded everyone that the MBTA multi-family zoning legislation has no affordable housing component, and so it is not directly an AHT issue. However, the AHT and PB working together can help ensure the 40R pro-actively complies with the MBTA requirements in order that Lancaster receive credit towards the MBTA requirement at the same time, if possible.

PB Chair Williston screen-shared the density chart by residential building type on page 12 from Version 10 of the proposed 40R bylaw. He wanted to better understand the “zoned for single family residential use” reference. AHT Chair Petracca explained this chart is part of DHCD’s template and their language and would find out more. There was further discussion of how the density chart works, DHCD’s definition of multi-family housing, and whether the bylaw must “allow” or “require” the specified densities by residential building type. AHT Chair Petracca added that DHCD had informed that a new public hearing is not necessary if reducing parcels and capacity, and only necessary if adding new parcels, and to update DHCD with the smaller parcel map and density spreadsheet. She reminded again that the PB had said the total unit capacity of the proposed 40R District was too large and asked for clarification on what is comfortable to the Board. She also reviewed financial incentive payments and the impacts of revising unit numbers.

PB Chair Williston expressed that providing 150 units to close out Lancaster’s SHI requirement is fantastic and that this likely equates to 15 or 20 acres. He referenced the largest incentive payment begins at 501 units plus and earns a \$600K Zoning Incentive Payment [this is not including the density bonus when units are built], but he added that additional housing units come with more risk. PB Chair Williston noted it is a large district and agrees with removing soccer field parcel.

Secretary Frank Streeter joined the meeting at this point at approximately 7:42 pm.

PB Chair Williston commented that the 40R District could be helpful for the MBTA requirement provided there is certainty the units can count toward that requirement, too.

PB Member Roy Mirabito commented on water capacity for the 40R District. He believes the future zoned units must have the proper water infrastructure in place. He referenced a Haley & Ward 2018 document which calculated water consumption at 1.2 residents per unit and 62 gallons per day (gpd). He then used an estimated 45% of units at 1-bedroom, 45% of units at 2-bedroom, and 10% of units at 3-bedroom. At 150 units, this used 18.4% of the 100K gpd; at 500 units, this used 61.4%; at 727 units, this used 89.3%; and at 1,129 units, this used 138.6%. Another calculation he referenced uses 100

gpd, and at 150 units, this used to 29.7% of the 110K gpd; at 500 units, this used 99%; at 727 units, this used 144%; and at 1,129 units, this used 224%. While he likes the idea of the 40R District, he asked how a developer gives up water supply for the 40R District. AHT Chair Petracca asked PB Member Mirabito to confirm he was referring to incoming water (vs. wastewater treatment) and also that his estimate of available water was from the current water agreement between the developer and the City of Leominster. She then clarified that the water agreement was sufficient for DHCD's determination of preliminary eligibility, and as far as any future project submittal, a developer will have to explain how it will be served for water. AHT Chair Petracca reiterated the 40R (and MBTA) legislation are both asking towns to enact multi-family zoning only, and that the current water availability is an agreement between a private developer and Leominster, and can be revisited between those parties in the future. She added in reference to the developer who has the water agreement, and its other plans for a distribution center, it is important to note this is not a highwater use. PB Member Mirabito referenced Section 7 of the 40R application that in order for final approval to be issued (vs. conditional), the municipality will not overburden municipal infrastructure and made reference to a local DPW certification. AHT Chair Petracca explained DHCD had clarified this is not required for private water agreements between a developer and another municipality. She suggested a conversation between the Planning Director, DHCD, and AHT to provide maximum clarity to the Planning Board. She added that DHCD explained it does not require a local DPW to certify an agreement between a private developer and adjacent municipality. There was brief discussion of the proposed on-site wastewater treatment center.

PB Chair Williston and PB Member Carol Jackson stated they agree with determining infrastructure for the 40R District's total capacity at the outset. PB Member Carol Jackson commented on her estimated wastewater calculations. She also commented on the cost of educating children in the 40R District. She made reference to a 40B alternative cited by the developer and that the education cost for children under 40R was also expensive. AHT Secretary Frank Streeter commented the current proposed usage for the developer's other projects is not water intensive and likely leaves a surplus. Resident Greg Jackson commented that one cannot assume what the industrial use will be and housing could consume everything. PB Chair Williston summarized the infrastructure discussion.

AHT Chair Petracca referenced the remarks made about education costs, and referenced the school budget mitigation available under Chapter 40R, and reminded everyone that children are a protected class under fair housing laws. She reiterated her request for a 3-way conversation with DHCD and specified two topics: (1) water/sewer infrastructure and (2) density chart on page 12 of Version 10 of proposed bylaw. She requested this occur prior to PB March 14, 2022 deadline for submitting zoning articles.

PB Member Peter Christoph thanked PB Member Roy Mirabito for raising the water resource issues.

Resident Anne Ogilvie (4 Turner Lane) offered two remarks. First, she referenced the changes made to the 40R application as well as the further work taking place, and she asked whether the application needed to be held back and for a current status update. Second, she recognized the concern of AHT Chair Petracca regarding children as a protected class, but added that she thought the school cost was raised due to the comparison between the 40B alternative as negative and the 40R as positive. AHT Chair Petracca responded the Select Board had voted to submit the 40R application and this had been done, but that there was still opportunity for public comment ahead.

Resident Greg Jackson (40 Farnsworth Way) offered two remarks. First, he commented that he felt the financial incentives would be negated by school costs. Second, he asked why wetlands on 40R parcels 4M and 4L were not included on the residential density map. AHT Chair Petracca clarified that the mapping was done by GIS experts at MRPC. She suggested checking MassMapper on-line for documented wetlands, and if these are not indicated on the parcels cited, to forward the information to the Trust, preferably in a map, who will expedite it to MRPC's GIS team for review.

Resident Rob Zidek (103 Kaleva Road) commented that the application had been modified after the Select Board hearing before submitting to DHCD and asked how residents could provide feedback on the changes since public comment had closed. AHT Chair Petracca replied that residents may still submit comments to DHCD, they just won't be formally part of the hearing record as DHCD explained public hearing rules. PB Chair Williston referred to a portion of the 40R application that requests indication of any application modifications made based on comment at the public hearing and that he did not think there was a problem with the application submitted in this regard.

AHT Chair Petracca reiterated the suggestion for a joint meeting with DHCD.

2. Discuss MBTA multi-family housing district requirement

PB Chair transitioned to the next agenda item regarding the new MBTA multi-family zoning requirements. He reminded that it would be helpful to confirm the 40R District will meet the MBTA requirements. The final MBTA guidelines are scheduled to be released in the summer. PB Chair Williston screen-shared the current MBTA draft guidelines and highlighted his concerns. The total land area is a minimum of 50 areas with at least a portion of 30 acres. He thought the description of water and sewer serving the district might be a problem.

AHT Chair Petracca reminded that DHCD has stated this is a zoning initiative, that the state is not seeking evidence of infrastructure in place and that an infrastructure plan is required when a developer submits an application to build in the multi-family district. She will send a video of DHCD answering this question during a webinar and also in the FAQs of its webpage on MBTA zoning. AHT Chair Petracca commented that if using an existing district, such as proposed 40R, a hearing and town meeting vote may still be

required to confirm it as an MBTA district, also. PB Chair Williston understands it to be that if an existing district meets MBTA criteria, it is simply submitted to DHCD for approval. There was further review of draft guidelines and a concern of whether the MBTA required 50-acre minimum is net of environmentally constrained areas.

PB Member Roy Mirabito asked for clarification of which type of MBTA town is Lancaster. PB Chair confirmed Lancaster is in the “MBTA Adjacent Community” category. PB Member Roy Mirabito questioned the 750-unit minimum, referring to a 10% of total housing calculation in the guidelines. PB Chair Williston referred to further detail provided for small towns and confirmed the 750-unit minimum for Lancaster. PB Chair shared a comparison table he made of all the impacted towns and the increase to their housing stock. He suggested that similarly impacted towns might be more effective in scaling back the requirement if they commented together on this new legislation. PB Member Carol Jackson referred to a description of “reasonable size” in the guidelines and felt DHCD should make an accommodation. The Town’s Director of Community Development and Planning Jasmin Farinacci commented that she had spoken with Chris Kluchman at DHCD about this question and was told the unit minimum was not a requirement DHCD would reduce. AHT Chair Petracca confirmed this was also her understanding from attending several webinars and shared the rationale behind the new legislation as regards the housing crisis, economic development, and carbon footprint reduction/climate policy.

Resident Dick Trussell (15 Burbank Land) commented the Planning Board can add back in land parcels removed from the 40R as part of the MBTA district to get over 50 acres. He also returned to the earlier school cost discussion and commented that the 40R includes businesses and this helps mitigate school costs. He then commented on the water infrastructure and that there is only a potential problem of water, but this is not yet confirmed, and encouraged the Members to work with overall numbers and see how favorable goals can accomplished for the Town.

Resident Rob Zidek (103 Kaleva Road) suggested speaking with Lancaster’s state legislators.

Jasmin Farinacci confirmed she would schedule a Zoom meeting with DHCD to discuss the water infrastructure requirements and other topics. PB Chair Williston requested the meeting be recorded and she confirmed it would be.

III. Adjournment

There being no further business to consider, AHT Secretary Frank Streeter made a motion to adjourn. AHT Member Carolyn Read seconded the motion.

Roll call vote: AHT Members voted 4-0-0-to adjourn.

AHT Chair Petracca inadvertently skipped Secretary Frank Streeter in the roll call vote to

adjourn. Secretary Streeter had joined the AHT meeting from another commitment, and he was not in her roll call list.

AHT Chair Petracca adjourned the meeting at approximately 9:09 pm. The Planning Board meeting continued with its next agenda item.

Respectfully submitted,

Victoria Petracca, Chair (in place of Secretary Streeter)