

Approved: February 2, 2023

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

Meeting conducted via ZOOM internet conferencing
Thursday, September 22, 2022

Present: Victoria Petracca, Chair
Carolyn Read
Debra Williams

Absent: Kate Hodges, *Ex Officio*; Stephen Kerrigan; Frank Streeter, Secretary

I. Call to Order & Administration

Chair Petracca called the Affordable Housing Trust (“AHT”) meeting to order over Zoom at approximately 7:01 PM and called the roll of the Trustees.

Zoom meeting link: <https://us02web.zoom.us/j/85907560628> Meeting ID: 859 0756 0628

II. Approval of Meeting Minutes

Meeting minutes of September 8, 2022 have not yet been circulated and were tabled. Brief procedural discussion related to also recording the topic of public comments in meeting minutes going forward. Trustees agree this is not required, but acceptable for future minutes.

VOTE: Trustee Read made a motion to approve the meeting minutes of June 8, 2022; August 4, 2022; August 18, 2022; Motion seconded by Trustee Williams. Motion approved unanimously (3-0-0)

III. Scheduled Public Appearance

None. Chair Petracca stated she received a communication from Attorney Tom Bovenzi that his client is still working on site engineering plans for the former driving range parcel at 438 Old Union Turnpike that he had previously presented as a potential 40B project at a prior AHT meeting. He postponed their visit to a later date to be determined.

IV. Updates to Subsidized Housing Inventory (SHI)

The following sites were reviewed as the active pipeline:

1. Capital Group, approximately 1410 – 1474 Lunenburg Road (Route 70)
 - a) Memorandum of Agreement (MOA) for Capital Group 40R Smart Growth Overlay District. Trustee Read mentioned that Section 1.1 had been flagged by town counsel and she agreed it needed to be, but that no solution was provided yet. She referenced Section 1.5 on local preference and that the marketing period should be 60 days (not 45) for the Affirmative Fair Housing Marketing Plan. She also fixed a series of typos. Trustee Williams was satisfied with the feedback and had no further immediate comments on the 40R MOA. Chair Petracca flagged that the Zoning Board of Appeals had been substituted as the Plan Approval Authority in the latest version the Trust received back from developer's attorney, and that this needed to revert back to what was previously agreed upon. She flagged that there were two different addresses for North Lancaster LLC between the two MOA's, and only one should be used for both agreements. She requests that a name and/or title/position be added for each of the signing parties. She noted that the AHT had been waiting to receive and review all Exhibits, and that they arrived only a few hours prior to this meeting from town counsel. She therefore asked that the Trust come to agreement on everything else and discuss the Exhibits at its next meeting. She discussed that Attorney Heep caught that Section 1.3 was removed and this needs to be added back in, and she added that related to this, the need for verbiage that the 40R project be built according to the concept plan (Exhibit G lay-out). She also flagged that the visual protection was removed (Section 1.9). She noted the extra reference to Section 2.2 needs to be removed. She remarked that the other MOA for rest of site contains useful language regarding additional pedestrian friendly measures in its Sections 3.10 and 3.11, and that should be in the 40R MOA, as well. She noted that the arbitration language on page 10 was not satisfactory to town counsel, and the need to confirm this has been resolved between attorneys. Lastly, she noted that the signees listed in the 40R MOA need to be updated with current Select Board and Trust members. Trustee Williams also asked about language concerning the build-out and that this be pinned down.

VOTE: Trustee Read made a motion to submit the final revisions discussed to Town Administrator Kate Hodges and Town Counsel Attorney Chris Heep; Motion seconded by Trustee Williams.

Public comment from Resident Richard Trussell (15 Burbank Lane) regarding the need to ensure the developer may not leave a portion of the land "destitute". Discussion between Trustees and upon further review of language in the 40R MOA, confirmation that the Agreement includes a control plan in Section 1.9 that ensures owner agrees to project as shown as conceptual plan.

Vote concluded. Motion approved unanimously (3-0-0)

b) Written response to Planning Board's August 8, 2022 40R recommendation. Trust reviewed previously and agreed to reduce length. Chair has started and will circulate edited version prior to next meeting. Item tabled.

Chair noted the Lancaster Finance Committee reviewed the financial impacts of the 40R versus 40B proposals at its last meeting. Suggested Trustees and others may want to watch the recording.

2. Capital Group 40B alternative (200 ownership units of which 50 count toward SHI) located at rear of same site near White Pond Road. MassHousing Project Eligibility Letter expected by end of September. AHT will post a copy on its webpage. Town Administrator Kate Hodges will also receive.
3. Bovenzi and Donovan, approximately 438 Old Union Turnpike. Attorney Bovenzi and client landowner looking to return to AHT meeting in October. Have zeroed in on 175 rental units; all residential not mixed-use. Resident concerned about well on property and the water supply. Chair will forward this email to Trustees. This issue should be discussed when/if project is brought back to AHT.
4. MCO & Associates, approximately 261-301 Deershorn Road. Zoning Board of Appeals is meeting during this meeting and includes discussion of project. Voted to approve Comprehensive Permit modification at last meeting, but Chair had a question regarding 40B waivers she wanted to discuss this evening. Still working on septic permits. Roughly half of the units are in uplands and won't require Conservation Commission review. Remainder in Conservation Commission jurisdiction. Current site plan with affordable units identified was forwarded to AHT. Affordable units are evenly distributed between the two portions.
5. Harbor Classic Homes, 2038 Lunenburg Road (Route 70). Project has not been back to Planning Board yet following cease and desist for stormwater erosion. Last news from developer is that they will reach out to AHT when they are going back to Planning Board.
6. 213-217-219 South Main Street. Subject to Inclusionary Zoning bylaw. Developer contacted Building Inspector and AHT seeking a solution allowing work to move forward. Building Inspector replied must follow bylaw, i.e. affordable unit application and approval required prior to building permit issuance. Modified permit to protect exterior may be possible.
7. 32 Carter Street. Trustee Read updated that the sale has closed and release from old deed restriction was completed. New deed rider recorded. This is the 1st unit that AHT will add to Lancaster's SHI. Chair updated that DHCD has sent a form to complete to have this officially added.

8. Vacant Memorial School, 695 Main Street. Trustee Read gave update as AHT's delegate to Memorial School Re-Use Committee. She reports the Committee is waiting on estimates from architect. Committee focused on keeping school for recreational use, for example yoga classes, kids activities - or instead demolishing and making a pavilion. Local architect Mark Schryver who is Committee Member Heather Lennon's alternate stated highest and best use was housing. However, Committee stated it would take a long time to get an Article 97 restriction released. Town Administrator/Ex Officio Trustee Kate Hodges and Trustee Steve Kerrigan wanted to look into this reported restriction discussed at prior AHT meeting because it is reported to apply to entire parcel. There was public comment at the Committee meeting that highest and best use is for senior housing.

Under inactive sites, Chair Petracca shared a resident letter stating the Goodridge Brook 40B site should be considered an active project for the pipeline. She clarified the site was brought up 2 meetings ago and she reported then the Town had not received any update. She then stated what the Trust has previously discussed to be criteria for an active versus inactive site (status before a town board). She then explained a Comprehensive Permit was issued for this site, but building permits were never issued and so DHCD removed it from Lancaster's inventory. Additionally, the Conservation Commission denied the environmental Order of Conditions in 2020. The developer appealed to state and MEPA required new filings which have not been submitted to date.

Trustee Read suggested the criteria for inclusion in the "active" pipeline be a site before town board(s) and/or still counted on the SHI. Chair Petracca and Trustee Williams agreed. There was a brief review of what are the current active and inactive sites.

VOTE: Trustee Read made a motion to use the defined criteria of (1) before a town board and/or (2) still counted on the SHI in order to be included in the active pipeline; Motion seconded by Trustee Williams. Motion approved unanimously (3-0-0)

AHT decided to add these criteria definitions as part of the pipeline document to be created.

Resident Rob Zidek (103 Kaleva Road) made a public comment about the Goodridge Brook 40B, explaining he had written the letter described above.

Resident Martha Moore (131 Center Bridge Road) made a public comment regarding ways to display the active and inactive/potential projects.

Moving to the topic of inactive sites, Trustee Deb Williams gave an update regarding the vacant, state-owned DCAMM site on Old Common Road. She is following the site at the Select Board meetings, and notably seeking information from Select Board Member Alix Turner who is the Board's liaison for the property. Chair Petracca asked about the deadline for the Town to reply to DCAMM relative to the Town's right of first refusal. Trustee Williams is looking in to this.

V. Public Comment

Resident Dick Trussell (15 Burbank Lane) made two public comments regarding DCAMM, the availability of ARPA funds and the benefits of speaking to a local developer with relevant background.

Resident Rob Zidek (103 Kaleva Road) made a public comment regarding MA Dept. of Transportation's use of Environmental Justice.

VI. New Business

Planning Director Jasmin Farinacci informed the Chair that she will have a booth at the Horseshed Fair to be held on October 1, 2022. The booth's theme is the upcoming project to redo the Town's Master Plan. She invited the AHT to be there with her to speak with the public about affordability. AHT decided to leave participation informal this year given tight timeframe a week away, and any Trustees may attend and answer questions, if available.

VII. Communications

The AHT decided not to meet at its next regularly scheduled date on October 6, 2022 due to a widely anticipated public hearing at the Planning Board posted the same evening. The AHT's next meeting will be held instead on Thursday, October 20, 2022 at 7 P.M. via Zoom.

Trustee Williams asked about the AHT holding in-person meetings. The Trust decided to discuss this on October 20, 2022 when other Trustees can participate.

VIII. Adjournment

VOTE: There being no further business to consider, Trustee Read made a motion to adjourn, seconded by Trustee Williams. Motion approved unanimously (3-0-0)

Chair Petracca adjourned the meeting at approximately 8:17 P.M.

Respectfully submitted,

Victoria Petracca, Chair (in place of Secretary Streeter)