

Approved: May 22, 2021

**MINUTES OF THE PROCEEDINGS OF
THE INCLUSIONARY ZONING BYLAW WORKING GROUP (“IZBWG”),
APPOINTED BY THE PLANNING BOARD OF THE TOWN OF LANCASTER**

Meeting conducted via ZOOM internet conferencing
Friday, April 9, 2021

Present: Carol Jackson, IZBWG Member & Clerk of Planning Board
Roy Mirabito, IZBWG Member & Vice-Chair of Planning Board
Victoria Petracca, IZBWG Member & Chair of Affordable Housing Trust

Absent: None

List of Documents (Meeting Materials):
Draft Inclusionary Zoning Bylaw - Version 7 April 1, 2021

I. Call to Order & Administration

Carol Jackson, Member, was appointed Zoom host by the Town Administrator. She called the meeting to order at 9:38 A.M.

Zoom meeting link: <https://us02web.zoom.us/j/85120858954> Meeting ID: 851 2085 8954

Meeting Materials: <https://www.ci.lancaster.ma.us/planning-board/pages/meeting-materials>

II. Approval of Meeting Minutes

Member Victoria Petracca stated there were currently no additional meeting minutes to approve, and suggested the Working Group make a concerted effort to complete and approve remaining minutes following the Planning Board’s Public Hearing for Inclusionary Zoning scheduled for April 12, 2021. She suggested the Working Group meet for this purpose to ensure the minutes are caught up and made available on-line.

III. Public Comment

None

IV. Scheduled Appearance(s)

None

V. Review Feedback

1. Discuss any correspondence received

Member Victoria Petracca stated she had circulated feedback received by email from David Hedison, Chair of the Chelmsford Housing Authority and a speaker on affordable housing issues. She explained that Mr. Hedison had recently attended a meeting of the Lancaster Affordable Housing Trust as a guest speaker, and in the course of discussion, one of the Trustees had asked him to review Lancaster's proposed Inclusionary Zoning bylaw. Mr. Hedison later provided the feedback forwarded to the Working Group Members. He discussed the "Payment-in-Lieu-of-Units" language in Subsection K. Notably, he shared that in Chelmsford's experience, this can be difficult for a developer to pay entirely at the outset of the project. He gave the example of a local affordable housing project where his team worked out a payment agreement that met the full monetary requirement prior to the end of construction.

This is similar to the provisions in Lancaster's proposed bylaw under Subsection K-4 and K-5 that do not require payments are made in full at the outset, but instead ensure payments are received prior to the issuance of building permits.

Member Victoria Petracca then updated the Working Group regarding Subsection F on the Preservation of Affordability. She reiterated that the Working Group had communicated back and forth with Town Counsel regarding the situation in which an income-eligible buyer is not identified for an affordable unit currently for sale within the allotted time, and the unit is instead sold at market rate. Town Counsel initially flagged language in this Subsection that required the net exceed proceeds be paid directly to the Housing Trust, citing that it is preferable this be paid to the Town first, and then allocated elsewhere, if necessary. The Working Group had learned in its follow-up research (thanks to Member Carol Jackson) that any net exceed profit from Local Initiative Projects (LIP), such as those resulting from Lancaster's proposed Inclusionary Zoning bylaw, are to be earmarked for affordable housing needs per MA Department of Housing & Community Development (DHCD) policy. This documentation was circulated to Members. She explained that the Working Group's revised language had been sent to Town Counsel [morning of April 2, 2021], incorporating town counsel's feedback while ensuring the funds be allocated to the Affordable Housing Trust under the DHCD guidelines for affordable housing needs. She stated in that email the Working Group was meeting this morning in advance of a public hearing, and to be please provide any additional concerns by today, and that no concerns had been communicated.

She also confirmed she had sent a request to the Town Administrator for an additional final reading by the Town's contracted planning consultant, Michael Antonellis. She had not yet received feedback from Mr. Antonellis, but Member Carol Jackson explained she had received a memo from him forwarded the day before by the Planning & Community Development Department's Administrative Assistant to Planning Board Members. Planning Board/Working Group Member Carol Jackson then forwarded this to Working Group Member Victoria Petracca, and the Working Group reviewed it together during the meeting.

The Town's Planning Consultant did not raise substantive issues, but suggested changing the order of two provisions in Subsection C on Applicability, C-3. The Working Group reviewed this closely, and after discussion, concluded the Subsection's full content flow is easier for readers to follow in the existing order. Member Carol Jackson stated it made sense to keep the

existing order when looking at the totality of Subsection C versus the individual items suggested to be re-ordered. The other Members agreed. The other comments from the Town's Planning Consultant were affirmation of edits made since the review of the prior draft.

Member Victoria Petracca commented that it was helpful to have received this additional round of review and feedback from the Town's Planning Consultant in advance of the scheduled public hearing as it further confirms the bylaw was fully vetted, including twice by Mr. Anontellis.

VI. Prepare for April 12, 2021 Public Hearing

The Working Group then discussed the Planning Board's upcoming Public Hearing scheduled for Monday, April 12, 2021. Member Victoria Petracca read a notification from the Planning & Community Development Department's Administrative Assistant informing that due to the current transition and wait for the new Town Clerk, the Department is unable to post meeting materials. There was discussion of the best approach for ensuring the public has access to the most recent version of the bylaw, Version 7, in advance of the public hearing. It was confirmed that the Public Hearing notice includes a statement that copies of materials for the Public Hearing are available through the Planning & Community Development Department and provides contact information for requests. This was satisfactory to the Working Group, and in addition, it was agreed that the Working Group would also ask the Executive Assistant to the Select Board to post Version 7 under Meeting Materials on-line, as she has done this in the past in the absence of the Town Clerk.

The Working Group then discussed whether an informational slide presentation would be helpful to participants at the Public Hearing. After discussion, it was agreed that the Chair of the Planning Board should be consulted for guidance on how he wishes to conduct the Public Hearing. Member Victoria Petracca agreed to contact him for instructions, and including to ask whether or not a presentation was helpful.

Resident Dick Trussell then asked to speak, and specifically regarding DHCD's input on the transfer of net proceeds under Subsection F – Preservation of Affordability. Member Victoria Petracca explained she had submitted both Town Counsel's remarks and the Working Group's proposed solution to DHCD, together with DHCD's guidelines for Local Initiative Project (LIP) units. As explained in a previous meeting, the DHCD contact indicated he would be absent for several days, and had forwarded the matter to colleagues who could assist, and copied to Member Victoria Petracca. She explained she did eventually hear back from the colleagues who confirmed the guidelines provided did apply to LIP units, and net exceed profits must be used for affordable housing. She read this correspondence aloud at the meeting. Member Carol Jackson confirmed the units created by Inclusionary Zoning must meet DHCD's LIP criteria, and she then cited the portion of the proposed Inclusionary Zoning bylaw confirming this, Subsection A on Purposed on Intent, and specifically A-3 which stipulates that Inclusionary Zoning units must meet LIP criteria in order to be included in the Town's Subsidized Housing Inventory (SHI).

There was a lengthy discussion of whether or not the Planning Board can formally endorse Inclusionary Zoning, and whether to request this endorsement at the Public Hearing, and if granted, whether this can be included in the Summary of the warrant article.

There was also discussion of where the Article will appear on the Warrant, and confirmation it will be included in the main body of the warrant with articles sponsored by the Select Board.

The Working Group then had a lengthy discussion of the Summary of the bylaw, re-visiting whether this had been done in the past for other warrant articles (with confirmation that it had after reviewing prior Town Warrants available on-line), and where this Summary would appear in relation to the article within the warrant. The idea to include a Summary was confirmed at a prior meeting, but the Summary had not yet been written. Member Carol Jackson then reminded the Working Group she was going to do this, but had not had time.

Member Carol Jackson opened Word and sharing her screen, the three Working Group Members then collaboratively drafted the summary of the Inclusionary Zoning bylaw for town meeting warrant as follows:

Inclusionary Zoning Bylaw Summary

The Commonwealth of Massachusetts requires all municipalities to provide greater than 10% of year round housing as deed-restricted affordable units. To help the Town of Lancaster reach compliance with the state mandate, we propose this Inclusionary Zoning bylaw.

The purpose and intent of this zoning bylaw is to include planned affordable housing as part of new housing development proposals in Lancaster. These provisions encourage development of housing that is affordable to eligible low- and moderate-income households in perpetuity.

This bylaw helps Lancaster maintain and increase its percentage of affordable housing as market rate housing continues to be built. Additionally, this bylaw helps Lancaster shape affordable housing production to remain in Safe Harbor compliance, over 10%, once achieved.

In Safe Harbor, Lancaster has greater control of future residential developments, and helps preclude unsolicited 40B developments.

The Inclusionary Zoning Bylaw Working Group

Victoria Petracca

Roy Mirabito

Carol Jackson

It was agreed the “Inclusionary Zoning Bylaw Summary” would be submitted to the Planning Board Chair by Member Carol Jackson and then reviewed by all Planning Board Members at the Board’s Public Hearing scheduled on Monday, April 12, 2021. If agreed upon by the Planning Board, the Summary would then be submitted together with Version 7 of the proposed bylaw, i.e. the final version, to the Select Board for inclusion in the 2021 Annual Town Meeting Warrant.

VII. New Business

None

VIII. Communications

1. Schedule and next Inclusionary Zoning Bylaw Working Group meeting.

The next meeting is scheduled on Friday, April 16, 2021 at 9:30 A.M. via Zoom.

IX. Adjournment

The meeting was unanimously voted to be adjourned and closed at 11:48 A.M.