



LANCASTER BOARD OF SELECTMEN
Special Meeting Agenda – Revised*
Via ZOOM
Friday, June 4, 2021
6:00 P.M.

In accordance with the Open Meeting Law, please be advised that this meeting is being recorded and broadcast over Sterling-Lancaster Community TV

I. CALL TO ORDER

Chairman Jason A. Allison will the Special Meeting of the Board of Selectmen to Order at 6:00 P.M. via ZOOM™.

Join Zoom Meeting
<https://us02web.zoom.us/j/83709581310>

Meeting ID: 837 0958 1310

II. PUBLIC COMMENT PERIOD

6:00 P.M. - Opportunity for the public to address their concerns, make comment and offer
6:10 P.M. suggestions on operations or programs, except personnel matters. Complaints or criticism directed at staff, volunteers, or other officials shall not be permitted.

III. APPROVAL OF MEETING MINUTES - NONE

IV. SCHEDULED APPEARANCES & PUBLIC HEARINGS - NONE

V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE

VI. TOWN ADMINISTRATOR REPORT

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Joint Meeting with Boards and Commissions and Town Counsel to review the Special Town Meeting Warrant and Annual Town Meeting Warrant to be held on June 21, 2021 beginning at 7:00pm at the Bolton Fairgrounds, 318 Seven Bridge Road (Route 117). Vote may be taken.

VIII. APPOINTMENTS AND RESIGNATIONS - NONE

IX. LICENSES AND PERMITS - NONE



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Via ZOOM
Friday, June 4, 2021
6:00 P.M.

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X. NEW BUSINESS *

**This item is included to acknowledge that there may be matters not reasonably anticipated by the Chair*

XI. COMMUNICATIONS

XII. ADJOURNMENT

**TOWN OF LANCASTER
MASSACHUSETTS**



**WARRANT
for the
SPECIAL
TOWN MEETING**

Bolton Fairgrounds

318 Seven Bridge Road, (Route 117), Lancaster, Massachusetts

Beginning Monday, June 21, 2021 at 7:00 P.M.

**WARRANT FOR
SPECIAL TOWN MEETING
June 21, 2021
THE COMMONWEALTH OF MASSACHUSETTS**

Worcester, ss.

To any Constable of the Town of Lancaster in the County of Worcester,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lancaster qualified to vote in the elections and Town affairs, to meet at **Bolton Fairgrounds, 318 Seven Bridge Road (Route 117) in said Lancaster on Monday, the Twenty-first of June, 2021, at 7:00 o'clock in the evening**, then and there to act on the following Articles:

**ARTICLE 1
Finance Committee
Board of Selectmen**

To see if the Town will vote to transfer of \$113,949.00 (One Hundred Thirteen Thousand Nine Hundred Forty-Nine Dollars) from Free Cash for the FY21 Operating Budget or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

Summary: This article would transfer from free cash the amount of \$113,949.00 in order to balance the Fiscal Year 2021 Operating Budget. A majority vote is required for passage of this article.

**ARTICLE 2
Amend Fiscal Year 2021 Operating Budget
Finance Committee
Board of Selectmen**

To see if the Town will vote to amend the vote taken under Article 1 of the June 22, 2020 Annual Town Meeting warrant appropriating funds to defray the expenses of the Town for the Fiscal Year beginning July 1, 2020, and, as necessary therefore, to raise, appropriate, transfer from available funds from the Omnibus Operating Budget, by borrowing, by transfer from Overlay Surplus, by transfer from fund balance reserved for school debt or any combination thereof for the purpose of supplementing departmental expenses, and/or to reduce certain departmental expenses or otherwise amend said vote; or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

Summary: This article presented the proposed amended omnibus operating budget for the Town for Fiscal Year 2021. A majority vote is required for passage of this article.

ARTICLE 3
Fiscal Year 2021 Capital Expenditures
Finance Committee
Board of Selectmen

To see if the Town will raise and appropriate or transfer from available funds the following sums of money, to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described; or act in any manner relating thereto.

The Finance Committee recommends passage of this article.

a.	Fire Department		
	Amount:	\$39,794.00	
	Funds to be expended by:	Fire Department	
	Purpose:	Fire Chief Vehicle	
	Funding Source:	Sale of Town Owned Land	

Summary: *This article proposes to fund the acquisition of certain capital item for the Town in FY2021. A majority vote is required for passage of capital items that are purchased by transferring from available funds.*

And you are directed to serve this Warrant by posting up attested copies thereof at the South Lancaster Post Office, the Center Post Office, the Fifth Meeting House and the Prescott Building, in said Town seven days at least before the time for holding said meeting. Hereof fail not and make due return of the Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

SELECTMEN OF LANCASTER

Jason A. Allison, *Chairman*

Jay M. Moody, *Clerk*

Alexandra W. Turner, *Member*

CONSTABLE'S CERTIFICATION

I hereby certify under the pains and penalties of perjury that I posted an attested a copy of this Warrant at the South Lancaster Post Office, the Center Post Office, the Fifth Meeting House, and the Prescott Building on the date attested. I further certify that this Warrant was posted in accordance with the By-laws of the Town of Lancaster and the provisions of M.G.L. c.39, §10.

Attest:

Constable Signature

Print

Date: _____

The full text of the Warrant is available in the Prescott Building and Thayer Memorial Library. The Warrant will also be available at Town Meeting.

TOWN OF LANCASTER
MASSACHUSETTS



WARRANT
for the
2021 ANNUAL
TOWN MEETING
For the Fiscal Year 2022

Bolton Fairgrounds
318 Seven Bridge Road, (Route 117)
Lancaster, Massachusetts

Beginning Monday, June 21, 2021 at 7:15 P.M.

**WARRANT FOR
ANNUAL TOWN MEETING
FOR FISCAL YEAR 2022
June 21, 2021
THE COMMONWEALTH OF MASSACHUSETTS**

Worcester, ss.

To any Constable of the Town of Lancaster in the County of Worcester,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lancaster qualified to vote in the elections and Town affairs, to meet at **Bolton Fairgrounds, 318 Seven Bridge Road (Route 117), in said Lancaster on Monday, the twenty-first of June, 2021, at 7:15 o'clock in the evening**, then and there to act on the following Articles:

**ARTICLE 1
Budget for Fiscal Year 2022
Finance Committee
Board of Selectmen**

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, from the Omnibus Operating Budget, by borrowing, by transfer from Overlay Surplus, by transfer from fund balance reserved for school debt, or any combination thereof; to defray the expenses of the Town for the Fiscal Year beginning July 1, 2021, or act in any manner relating thereto.

The Budget for Fiscal Year 2022 will be available at Town Meeting
The Finance Committee will make a recommendation from the floor.

Summary: This article presents the proposed omnibus operating budget for the Town for FY2022, together with prior year appropriations and actual expenditures for comparison.

**ARTICLE 2
Capital Stabilization Fund
Finance Committee
Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$250,000 (Two Hundred Fifty Thousand Dollars), to the Capital Stabilization Fund or act in any manner relating thereto. ***The Finance Committee recommends passage of this article.***

Summary: This article represents a mechanism for setting aside money either for unforeseen needs or for capital projects. Such fund is intended to equalize the effect of capital expenditures over time and to provide a "rainy day" fund.

ARTICLE 3
FY2022 Capital Expenditures
Finance Committee
Board of Selectmen

To see if the Town will raise and appropriate or transfer from available funds the following sums of money, to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described; or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

a. Police Department	
Amount:	\$52,000
Funds to be expended by:	Police Department
Purpose:	To purchase one (1) Police Cruiser
Funding Sources:	Sale of Town Owned Land
b. Fire Department	
Amount:	\$19,000
Funds to be expended by:	Fire Department
Purpose:	Window Repairs
Funding Source:	Capital Stabilization
c. Thayer Memorial Library	
Amount:	\$50,000
Funds to be expended by:	Thayer Memorial Library
Purpose:	Matching Grant
Funding Source:	Capital Stabilization
d. MRLB	
Amount:	\$50,000
Funds to be expended by:	MRLB
Purpose:	Dishwasher
Funding Source:	Capital Stabilization
e. Cemetery	
Amount:	\$12,000
Funds to be expended by:	Cemetery
Purpose:	Cemetery Historical Filing
Funding Source:	Capital Stabilization

Summary: *This Article proposes to fund the acquisition and equipping of certain capital items for the Town in FY2022 as part of the five-year capital plan. A majority vote is required for passage of the capital items that are purchased by transferring from available funds.*

ARTICLE 4
Water Enterprise Fund
Board of Public Works

To see if the Town will vote to appropriate **\$1,087,367** (One Million Eighty-Seven Thousand, Three Hundred Sixty-Seven Dollars) from the Water Enterprise Fund to finance the operation of the Water Department for the fiscal year beginning July 1, 2021 (*detail below*), or act in any manner relating thereto. The operating expenses for the Water Enterprise are entirely funded by water revenue. *The Finance Committee will make a recommendation from the floor.*

I. Water Enterprise Revenues	
User Charges	\$1,072,367
Connection Fees	\$15,000
Water Enterprise Available Funds	0
Investment Income	0
Total Revenues	\$1,087,367
II. Costs Appropriated in the Enterprise Fund	
Salaries and Wages	\$276,202
Expenses	\$391,913
Reserve Fund	\$0
Debt Principal	\$290,000
Debt Interest	\$129,252
Indirect Costs to General Fund	0
Total Costs Appropriated in E. F.	\$1,087,367

Summary: This article presents the proposed Water Operating Budget for the Town for FY2022. A majority vote is required for passage of this article.

ARTICLE 5
Landfill Solar Array Enterprise Fund
Finance Committee
Board of Selectmen

To see if the Town will vote to appropriate **\$143,000** (One Hundred Forty-Three Thousand Dollars) from the Renewable Energy Enterprise Fund to finance the operation of the Landfill Solar Array for the fiscal year beginning July 1, 2021(*detail below*), or act in any manner relating thereto. The operating expenses for the Renewable Energy Enterprise Fund are entirely funded by solar array revenue. *The Finance Committee will make a recommendation from the floor.*

I. Renewable Energy Enterprise Revenues	
Sale of Solar Energy Certificates	\$127,000
Qualified Energy Bond Subsidy	\$16,000
Total Revenues	\$143,000
II. Costs Appropriated in the Enterprise Fund	
Maintenance Expenses	\$33,425
Debt Principal and Interest	\$109,575
Total Costs Appropriated in E. F.	\$143,000

Summary: This article presents the proposed Renewable Energy Operating Budget for the Town for FY2022. A majority vote is required for the passage of this article.

ARTICLE 6
Senior Citizen Tax Work-off Abatement Program
Finance Committee
Board of Selectmen

To see if the Town will vote to request the Board of Assessors to commit \$20,000 (Twenty Thousand Dollars) from the FY2022 Overlay Account for Abatements to fund the Senior Citizen Tax Work-off Abatement Program, or act in any manner relating thereto. *The Finance Committee will make a recommendation from the floor.*

Summary: The Commonwealth of Massachusetts allows for the property tax liability to be reduced in exchange for volunteer services for persons over age 60.

ARTICLE 7
Renaming Board of Selectmen to Select Board
Board of Selectmen

To see if the Town will vote to amend the Code of the Town of Lancaster to rename the Board of Selectmen as the "Select Board" and, for such purposes, to replace the words "Board of Selectmen" or "Selectmen" with "Select Board" and "Selectman" with "Select Board Member", and to authorize the Town Clerk to make non-substantive ministerial revisions to ensure that gender and number issues in related text is revised to properly reflect such change in title, or take any other action relative thereto.

Summary: This Article seeks to use a gender-neutral name for the Board of Selectmen

ARTICLE 8
Amend Planning Board Bylaw Section 17-6 ESTABLISHMENT
Board of Selectmen

To see if the Town will vote to amend the Planning Board Bylaw, Section 17-6, ESTABLISHMENT, by adding the qualifying sentence, "None of the Planning Board Members shall serve concurrently on the Lancaster Board of Appeals."

The amended bylaw change shall read as follows:

Section 17-6, ESTABLISHMENT

A Planning Board of five members is established pursuant to MGL, C.41, §§81A through 81J. None of the Planning Board Members shall serve concurrently on the Lancaster Board of Appeals.

Or act in any manner relating thereto.

Summary: This article proposes to amend the Planning Board Bylaw Section 17-6, Establishment, by adding qualifying sentence, "None of the Planning Board Members shall serve concurrently on the Lancaster Board of Appeals"

ARTICLE 9
Inclusionary Zoning Article
Planning Board

To see if the Town will vote to add “Inclusion of Affordable Housing” to the Lancaster Zoning Bylaws as Section 220-8.8 of Article III, as follows:

§ 220-8.8 – Inclusion of Affordable Housing

A. Purpose and intent. The purpose and intent of this zoning bylaw is to promote the inclusion of affordable housing as part of the development of housing overall in the Town of Lancaster. This is also known as Inclusionary Zoning. More specifically:

- (1) The purpose of these provisions is to encourage development of new or renovated housing that is affordable to eligible low- and moderate-income households in perpetuity. At a minimum, affordable housing produced through this regulation shall be in compliance with the requirements set forth in Massachusetts General Laws (MGL) Chapter 40B, Sections 20 through 23 (as the same may be amended from time to time), and other affordable housing programs developed by state, county, and local governments.
- (2) It is intended that the Affordable Housing Units (AHU’s) that result from the application of this bylaw be considered as Local Action Units (LAU’s), in compliance with the requirements for the same as specified by the Massachusetts Department of Housing and Community Development (DHCD) or successor state agency or regulations.
- (3) The LAU’s created by this bylaw are intended to add to the Town of Lancaster's Subsidized Housing Inventory (SHI) and contribute to local efforts to meet the state's requirement for affordable housing levels. Accordingly, these units must meet DHCD’s Local Incentive Program (LIP) criteria to be suitable for inclusion and counted in the Town's SHI.

B. Definitions.

AFFORDABLE HOUSING UNIT (AHU)

A dwelling unit available at a cost of not more than 30% of gross household income of households at or below 80% of the Metropolitan Statistical Area (MSA) which includes the Town of Lancaster’s median income as reported by the United States Department of Housing and Urban Development, including units listed under MGL Chapter 40B, Sections 20 through 23 and the Commonwealth’s Local Initiative Program.

ASSISTED LIVING RESIDENCE

A property offering a combination of housing, meals, and personal care services to adults for a monthly fee that includes rent and services. Assisted Living Residences are not the same as licensed nursing facilities, often referred to as “nursing homes,” “skilled nursing facilities,” or “nursing and rehabilitation facilities.”

DEPARTMENT OF HOUSING AND COMMUNITY DEPARTMENT (DHCD)

The Commonwealth of Massachusetts’ agency charged to oversee funding and resources to help people in Massachusetts live affordably and safely. DHCD,

through its community and business partners, provides affordable housing options, financial assistance, and other support to Massachusetts communities.

INCLUSIONARY HOUSING SPECIAL PERMIT (IHSP)

A special permit issued for affordable housing units created by an Inclusionary Zoning bylaw.

INCOME ELIGIBLE

A household comprised of a single individual or a family with household income that does not exceed 80% of the median income, with adjustments for household size, as reported by the most recent annual information from the United States Department of Housing and Urban Development and/or the Massachusetts Department of Housing and Community Development. **LANCASTER AFFORDABLE HOUSING TRUST (LAHT)**

The trust fund established at the 2020 Annual Town Meeting adopting the provisions of MGL Chapter 44, Section 55C, and whose purpose is to provide for the preservation and creation of affordable housing in the Town of Lancaster for the benefit of low- and moderate-income households.

LOCAL ACTION UNIT (LAU)

A dwelling unit created through local municipal action other than comprehensive permits; for example, through special permits, inclusionary zoning, conveyance of public land, utilization of Community Preservation Act (CPA) funds, etc.

LOCAL INITIATIVE PROGRAM (LIP)

A state housing initiative administered by the Department of Housing and Community Development to encourage communities to produce affordable housing for low- and moderate-income households.

PAYMENT-IN-LIEU-OF-UNITS (PILU)

A developer’s monetary contribution reserved for affordable housing production within the Town, in place of constructing affordable units within a proposed project.

PROJECT

Any residential or other development, including a cluster development, which results in the construction of new dwelling units, including assisted living units.

SHALL

For the purposes of this bylaw, the term “shall” has the same meaning as “must” and denotes a requirement.

SPECIAL PERMIT GRANTING AUTHORITY (SPGA)

The applicable town board granting the Inclusionary Housing Special Permit (IHSP), typically, but not limited to, the Planning Board and/or the Zoning Board of Appeals.

C. Applicability. In all current and future zoning districts, including overlay districts, the Inclusionary Zoning provisions of this section shall apply to the following uses:

- (1) Division of land. This bylaw shall apply to the division of contiguous land held in single or common ownership into six (6) or more residential lots, including but not limited to, those consisting of Approval Not Required (ANR) lots, or any combination of subdivision and ANR lots.
- (2) Multiple dwelling units. This bylaw shall apply to the construction of six (6) or more dwelling units, whether on one or more contiguous parcels, alteration,

expansion, reconstruction, or change of existing residential or non-residential space.

- (3) Flexible development. This bylaw shall apply to any Flexible Development (Lancaster Zoning Code Chapter 220, Article IV, Section 15) that includes six (6) or more dwelling units. Subsection B(2)(b) "Affordability" of Chapter 220-15 shall apply to Affordable Housing Units (AHU's) created, and not to Payments-in-lieu-of-Units (PILU's).
- (4) Assisted living. This bylaw shall apply to any life care facility development that includes six (6) or more assisted living units and accompanying services.
- (5) The provisions of Subsection C(2) above shall apply to the construction of six (6) or more dwelling units on individual lots if said six or more lots are held in single or common ownership.
- (6) To prevent the intentional segmentation of projects designed to avoid the requirements of this bylaw, parcels held in single or common ownership and which are subsequently divided into six (6) or more lots shall also be subject to this bylaw.
- (7) To address the possible segmentation of projects over time, any construction that results in additional dwelling units from the date of issuance of the Inclusionary Housing Special Permit (IHSP) or from the issuance of the certificate of occupancy over a 10-year period shall be subject to this bylaw.
- (8) If the Special Permit Granting Authority (SPGA) determines that an applicant has established surrogate or subsidiary entities to avoid the requirements of Subsection C, then an IHSP shall be denied.

D. Inclusionary housing special permit. The development of any project of 6 (six) or more dwelling units set forth in Subsection C above shall require the issuance of an Inclusionary Housing Special Permit (IHSP). The Special Permit Granting Authority (SPGA) for such permit shall be the SPGA for the use proposed, if applicable, and otherwise shall be the Planning Board or the Zoning Board of Appeals. A site plan(s) shall be submitted to the SPGA and Planning Board for their review and approval. The Special Permit may be granted if the proposal meets the requirements of this bylaw and all other applicable bylaws.

E. Mandatory provision of affordable housing. As a condition for approval of a special permit, the applicant shall contribute to the local inventory of affordable housing by providing at least the number of AHU's specified below, which must be eligible for inclusion in the Town's SHI.

- (1) For developments of six (6) to nine (9) ownership or rental units, at least one (1) unit of the total proposed dwelling units shall be affordable.
- (2) For development of ten (10) to nineteen (19) ownership or rental units, at least two (2) units of the total proposed dwelling units shall be affordable.
- (3) For development of twenty (20) to twenty-nine (29) ownership or rental units, at least three (3) units of the total proposed dwelling units shall be affordable.
- (4) For development of thirty (30) to forty-four (44) ownership or rental units, at least twelve and a half percent (12.5%) of the total proposed dwelling units shall be affordable.
- (5) For development of forty-five (45) or more ownership or rental units, at least fifteen percent (15%) of the total proposed dwelling units shall be affordable.

- (6) For development of seventy-five (75) or more ownership or rental units, at least seventeen and a half percent (17.5%) of the total proposed dwelling units shall be affordable.
- (7) The following summary table is provided for allocating affordable units given a particular range of total lots in a subdivision or total units in a multi-family development.

Total Units	Minimum Affordable Units
6 to 9	1
10 to 19	2
20 to 29	3
30 to 44	12.5%
45 to 74	15.0%
75 and above	17.5%

- (8) For the calculation of AHU's per Subsections E(1) through E(7), fractions of a dwelling unit shall be rounded up to the nearest whole number. For example, a proposed development of:
 - a) 35 housing units (12.5% minimum) would require 4.375 affordable units, rounded up to 5 total affordable units (14.2%)
 - b) 50 housing units (15% minimum) would require 7.5 affordable units, rounded up to 8 units (16%)
 - c) 85 housing units (17.5% minimum) would require 14.875 affordable units, rounded up to 15 units (17.6%).

F. Preservation of affordability.

- (1) All ownership developments shall be subject to a permanent affordable housing restriction and/or regulatory agreement, ensuring that the AHU's shall remain affordable in perpetuity, and each affordable unit shall be conveyed subject to a deed rider acceptable to and approved by the Town and DHCD and granting the Town such rights as are required, which shall include a right of first refusal, to ensure that said AHU's remain affordable in perpetuity and be counted toward Lancaster's SHI. In addition, no building permit shall be granted for any home-ownership development containing affordable units prior to the recording of the affordable housing restriction and/or regulatory agreement at the Registry of Deeds.
- (2) All multi-family rental developments with affordable housing units shall be subject to a regulatory agreement, ensuring that the AHU's shall remain affordable in perpetuity. Said regulatory agreement shall be approved by the Town and DHCD. In addition, no building permit shall be granted for any multi-family rental development containing affordable units prior to the recording of the regulatory agreement at the Registry of Deeds.
- (3) In the event that any rental unit is converted to a condominium ownership unit, the condominium unit shall be restricted in perpetuity as per Subsections F(1) and F(2) to ensure that it remains affordable to income-eligible households as prior to the condominium conversion.
- (4) In the event an affordable ownership unit is sold at a market rate greater than the allowable affordable rate, the net excess proceeds (subject to DHCD guidelines) resulting from the monetary difference at the date of closing shall be transferred

to the Lancaster Affordable Housing Trust (LAHT), its agent, or its successor organization. As per DHCD's LIP criteria, any net excess proceeds over the allowable affordable rate will be fully credited to the LAHT account within 30 days from the date of closing and designated for affordable homeownership programs or assisting other eligible buyers. This shall only apply in the event of net excess proceeds, and not to AHUs sold at a market rate below the allowable affordable rate.

- (5) The LAHT, its agent, or its successor organization shall monitor, oversee, and administer the details for all re-sale or re-lease of any affordable units in the Town.

G. Timing of construction for affordable units.

- (1) The construction of affordable units shall be commensurate with the construction of market rate units per the schedule in Subsection E. Should projects be built in phases, each phase shall contain the same proportion of affordable units to market rate units as the overall development.
- (2) The building permit for the last-market rate unit shall not be issued until all affordable units have been constructed, unless an alternate construction schedule has been approved by the SPGA.

H. Siting of affordable units. The affordable units created under this bylaw shall be proportionally distributed throughout the proposed project, in terms of location, size, and type.

- (1) Affordable units shall be provided within the development that requires the affordable units.
- (2) Their siting shall be integrated within the development along with the locations of the other dwellings, rather than segregated or concentrated in one area.
- (3) The AHU's shall not be situated in less desirable locations than market-rate units and shall, on average, be no less accessible to public amenities such as transportation, recreation or open spaces, and shopping or other businesses.
- (4) The location of each and every AHU shall be identified on the site plans to be reviewed and approved by the SPGA and the Planning Board. In the case of multi-family dwellings, the locations of affordable units shall be identified on the building floor plans for each and every structure of this type and approved by the SPGA.

I. Minimum design and construction standards. The exterior appearance of the affordable units shall be compatible with and essentially indistinguishable from the other units in the development. The AHU's shall be designed with similar features and built with comparable quality materials with respect to the market-rate dwellings built.

J. Minimum lot size. The average lot size for affordable home units shall be comparable to those of their market-rate counterparts within the development.

K. Payment-in-lieu-of-units. As an alternative to the requirements of Subsection E and to the extent allowed by law, an applicant may provide a payment to the LAHT to be used for the production of affordable housing in lieu of constructing home-ownership units within the proposed development.

- (1) Payment-in-lieu-of-units (PILU). The applicant for development subject to this bylaw may choose a payment in lieu of the construction or provision of affordable ownership units to the LAHT at the sole discretion of the SPGA. The fees shall

be paid in increments prior to the issuance of a building permit for each and every unit, or otherwise at the sole discretion of the SPGA.

- (2) Calculation of PILU. The fee for an affordable ownership unit shall be equal to eighty (80%) of the average listing price of all combined market-rate units within the proposed development. The SPGA shall make the final determination of the PILU. For example, if the average listing price of all combined market-rate units within the proposed development is \$500,000, the PILU is \$500,000 multiplied by 80%, i.e. \$400,000 for each affordable unit.
- (3) PILU's are not applicable to affordable rental units.
- (4) Incremental payments of total PILU. The incremental payments shall be equal to: the PILU as calculated for a single ownership unit in Subsection K(2) multiplied by the total number of affordable ownership units subject to PILU, divided by the total number of ownership units in the subject development. For example, a proposed development of 15 ownership units requires 2 affordable units per Subsection E. If the projected average sales price of each unit is \$500,000, the total amount of the PILU's is \$400,000 multiplied by 2 units, i.e. \$800,000. The incremental cost is \$800,000 divided by 15 units, i.e. \$53,333 per unit.
- (5) Timing of payment before issuance of building permits. Payment shall be received by LAHT prior to issuance of building permit for each unit to be constructed.
- (6) Revised calculation before issuance of building permits. The PILU calculation shall be confirmed with current market rates for the proposed development within sixty (60) days prior to issuance of building permit.
- (7) Creation of affordable units. PILU's made to LAHT in accordance with this section shall be used only for purposes of providing affordable housing for low- or moderate-income households. Using these payments, affordable housing may be provided through a variety of means, including but not limited to the provision of favorable financing terms, subsidized prices for purchase of sites, additional affordable units within existing or proposed developments, and other initiatives allowed under the Municipal Affordable Housing Trust Fund Law, MGL Chapter 44, Section 55C.
- (8) If the LAHT or its successor organization has been dissolved or is otherwise no longer in existence as of the time the application has been stamped received by the Town Clerk, then PILU's are to be paid to the Town and held in escrow for affordable housing production. Funds in escrow shall be transferred commensurate to the LAHT upon its re-establishment.

L. Combining construction with payment-in-lieu-of units. A combination of construction of dwelling units and payment-in-lieu-of-units may be combined by the applicant to meet a single project's requirement if granted approval by the SPGA.

M. Local preference. To the maximum extent permitted by law, including the regulations of DHCD, any IHSP granted hereunder shall include a condition that a preference for income eligible Lancaster residents, Town of Lancaster employees, employees of schools and businesses located within Lancaster, and families of students attending schools within Lancaster shall be included as part of the lottery and marketing plan for the affordable units.

N. Affirmative fair housing marketing and resident selection plan for affordable units. Applicants creating affordable units under this bylaw are required to select qualified homebuyers or renters via lottery under an Affirmative Fair Housing Marketing and

Resident Selection Plan prepared and submitted by the applicant and approved by DHCD and the SPGA. This Plan shall include a description of the lottery or other process to be used for selecting income eligible buyers and tenants. The plan shall be in conformance with federal and state fair housing laws in effect on the date of the special permit or other permit application with the Town of Lancaster. No building permit for a development subject to the Lancaster Inclusionary Zoning Bylaw shall be issued unless the SPGA has determined that the applicant's affirmative marketing and resident selection plan complies with this requirement. The affirmative marketing costs for the affordable housing units shall be the responsibility of the applicant. The applicant shall also submit the affirmative marketing and resident selection plan for review by the LAHT.

O. Related fees. The SPGA is authorized to retain professional consultants to advise the SPGA on any and all aspects of the application, the project's compliance with this bylaw, and to determine whether AHU's authorized by an IHSP will be included in the Town's SHI. The SPGA may require the applicant to pay reasonable costs incurred by the SPGA for the employment of outside consultants pursuant to SPGA regulations, as authorized by MGL Chapter 44, Section 53G.

P. Conflict with other bylaws. The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

Q. Severability. If any provision of this bylaw or other aspects of Lancaster's Zoning Code are held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw or other aspects of Lancaster's Zoning Code shall not affect the validity of the remainder of the Lancaster 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.

(Submitted by The Inclusionary Zoning Bylaw Working Group)

ARTICLE 10
Scenic Roads Bylaw Amendments
Planning Board

To see if the Town will vote to amend Chapter 157 of the Town’s general bylaws, also known as the “Scenic Roads Bylaw”, per the amendments described and appended below. The black, strike-through text indicates the sections of the bylaw that are to be changed, while the red text that follows provides the revisions as well as supplemental additions.

§ 157-3. Designation of Scenic Roads.

~~E. Town Meeting Approval. For each road, a majority vote at the Town Meeting is required for Scenic Road designation. Designations shall be effective as of the date of Town Meeting action. Any work on any portion of the right-of-way of a scenic road, which was not physically commenced at the time the road was designated, shall conform to these regulations.~~

E. Town Meeting Approval. For each road, a majority vote at the Town Meeting is required for Scenic Road designation. Any work in any portion of the right-of-way of a scenic road, which has not physically commenced at the time the road has been effectively designated, shall conform to these regulations.

F. Bylaw Amendment. For each scenic road designated at Town Meeting, the name of the road shall be added in its proper place to the alphabetic list provided in Section **157-4** below through amendment of this bylaw.

G. Effective Date of Designation. Each scenic road approved at Town Meeting, shall be effectively designated once its associated bylaw amendment has been reviewed and approved by the state Attorney General’s Office, and posting or publishing requirements have been satisfied per MGL C. 40, S. 32.

§ 157-7. Applications and Fees.

~~C. The Planning Board may waive the filing fee and costs and expenses for an application filed by a government agency, the Town departments, a not for profit conservation organization, or a non-governmental organization working the interest of the Town.~~

C. The Planning Board may waive the filing fee and costs and expenses for an application filed by a municipal, state, or federal government agency or entity, the Town departments, a not-for-profit conservation organization, or a non-governmental organization working in the interest of the Town.

D. The Planning Board shall seek the cooperation and compliance of any municipal, state, or federal agency or entity planning to perform work in areas protected by this bylaw, but shall not seek to regulate those activities in a manner that interferes with the mandated operation of those agencies or entities.

E. The Planning Director or their designee shall create and maintain an application form to request consent of the Planning Board for work proposed within Scenic Road areas as specified by this bylaw. The form shall be sufficiently detailed to provide the information requested in Section **157-8 A** below.

F. The Planning Department shall determine and collect a reasonable and appropriate fee to compensate for Town services or expenses typically required for processing the application.

§ 157-8. Procedures.

B. Notification.

~~1) The Planning Board and Tree Warden shall, as required by statute, give notice of its public hearing by twice advertising in a newspaper of general circulation in the area, with the first publication of the notice to be at least 14 days prior to the hearing and the last seven days prior to the hearing. Copies of the notice shall be sent to the Select Board, Conservation Commission, Historical Commission, and the Tree Warden.~~

1) The Planning Board or the Tree Warden shall, as required by statute, give notice of a public hearing by twice advertising in a newspaper of general circulation in the area, with the first publication of the notice to be at least 14 days prior to the hearing and the last seven days prior to the hearing.

a) If a hearing is held for the purpose of satisfying provisions of the Scenic Road Act, notice shall be given by the Planning Board as required by MGL C 40, S. 15C. Copies of the notice shall be sent to the Select Board, Conservation Commission, Historical Commission, and the Tree Warden.

b) In the event a joint hearing is held for the purposes of satisfying provisions of both the Scenic Road Act and the Shade Tree Act, notice shall be given by the Tree Warden as required by MGL C 40, S. 15C and MGL C. 87, S. 3. Copies of the notice shall be sent to the Select Board, Conservation Commission, Historical Commission, and the Planning Board.

§ 157-8. Procedures.

B. Notification.

~~4) Descriptions of the proposed work provided by the applicant in parts 1) a) and 1) b) of Section 7. A. above shall be used to compose the notice for advertising.~~

4) Descriptions of the proposed work provided by the applicant in parts 1) a) and 1) b) of Section **157-8 A** above shall be used to compose the notice for advertising.

5) At least 14 days before the hearing, the individual seeking approval shall give written notice, at their expense, by certified mail (postage prepaid), or by hand delivery to the applicant and all abutters. The mailing addresses of the abutters shall be obtained from the most recent applicable tax list provided by the Assessors Office. Abutters shall include owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice shall include a copy of the advertisement as well as the date of the hearing, if known. The notice to abutters shall include a copy of the application, or shall state where copies may be examined or obtained by abutters.

§ 157-10. Enforcement; Violations and penalties.

~~B. With regard to public shade trees, Violators may be fined up to \$500 per violation per MGL Chapter 87, Section 6.~~

B. With regard to public shade trees, Violators may be fined up to \$500 per violation per MGL Chapter 87, Section 6 if the Tree Warden chooses to follow the provisions of the

public shade tree statute for notification, public hearings, and approved actions rather than this bylaw.

Summary: The Town has a list of 31 designated scenic roads that were approved by residents at town meetings in 1987 and 1989. At the June 22, 2020 Annual Town Meeting, residents adopted the Scenic Roads Bylaw to create corresponding rules describing purpose, designation, procedures, notification, authorities, and enforcement regulations for these roads.

Massachusetts General Law Chapter 40, Section 15C, the Scenic Roads Act, which was enacted in 1973, allows the Town to designate scenic roads, and regulate public trees and historic stone walls within their right-of-way. Its purpose is to preserve the qualities and character of the Town's public ways by establishing rules for the cutting of trees or the alteration of stone walls within these designated rights- of-way's.

The Lancaster Scenic Roads Bylaw was reviewed and approved by the state Attorney General's (AG's) office on September 30, 2020 and it was posted for public notice on October 1, 2020. At that time, the bylaw went into effect.

The AG's Office provided comments during their review of the new bylaw. Their remarks primarily consisted of advice for administration of the regulation, but also identified areas where further clarification would be beneficial. None of the AG's remarks precluded the bylaw from being approved.

The proposed amendments address most of the AG's concerns, but do not substantially alter the intent or purpose of the bylaw. The Lancaster Planning Board has reviewed and approved the proposed changes.

To understand the meaning and nature of these amendments, it is best to read them in the context of their place within the current regulation. A copy of the Scenic Roads Bylaw is available on the Town's web site or may be obtained through the Planning Department.

Adoption of these amendments will improve the clarity of the bylaw's provisions and procedures as recommended by the state Attorney General's office.

The Lancaster Planning Board endorses adoption of these amendments. A majority vote is required for the passage of this article.

<p style="text-align: center;">ARTICLE 11 Acquire Interest in Property Related to Route 70/117 Project Board of Selectmen</p>
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To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, upon such terms and conditions as the Board of Selectmen deem appropriate, permanent and temporary easements in certain lands adjacent to or located within the limits of Main Street, Seven Bridge Road, Shirley Road, Otis Street, Buttonwood Lane, and Lunenburg Road, in the locations more or less depicted on a plan entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Main Street (Route 70/117) in the Town of Lancaster, Worcester County Federal Aid Project No., Preliminary Right of Way Plans," dated 7/28/2017, last rev. 11/6/2020 (the "Plan"), as said Plan may be amended, a copy of which has been placed on file with the Town Clerk, and permanent and temporary easements in parcels of land located within 200 feet of said parcels, as such additional

areas may be shown on said Plan, as hereinafter revised, for public way and public way construction purposes and otherwise for general municipal purposes sufficient to carry out the Main Street Roadway Improvement Project as depicted on the Plan, which purposes shall include, without limitation the construction of public sidewalks, sloping, drainage, installation and relocation of utilities, and other roadway improvements, and further to transfer the care, custody and control of those portions of the Town-owned land at 1 Hollywood Drive (Assessor's Map 30, Lot 154) required for the aforesaid road project as depicted on the Plan, from the board having custody of such land for school or other purposes, to the Board of Selectmen for general municipal purposes; and further to raise and appropriate, transfer from available funds, or borrow a sum or money for the purpose of such acquisition and construction and all costs incidental and related thereto, including title investigations, closing costs and attorney's fees, and to authorize the Board of Selectmen to enter into all agreements and take all other actions necessary or appropriate to carry out such acquisition and construction, or act in any manner relating thereto.

Summary: This article presents the proposed project for Route 70/117. A two-thirds majority vote is required for the passage of this article.

ARTICLE 12
Layout as Related to Route 70/117 Project
Board of Selectmen

To see if the Town will vote to accept and confirm as public town ways certain segments of each of the roadways known as Main Street, Shirley Road, Otis Street, and Buttonwood Lane, as such segments have been heretofore laid out by the Board of Selectmen, said layouts having been placed on file with the Town Clerk as required by law, and further to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, such interests in land as are necessary to allow for the use and maintenance of said ways for all purposes for which public ways are used in the Town of Lancaster, or act in any manner relating thereto.

Summary: This article presents the proposed project for Route 70/117. A two-thirds vote is required for the passage of this article.

ARTICLE 13
Community Preservation Committee Bylaw
Board of Selectmen

To see if the Town will vote amend the Town's General Bylaws by inserting new Chapter 17 therein entitled "Community Preservation Committee" as follows, or act in any manner relating thereto:

Chapter 1: Establishment

There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to MGL Chapter 44B, Section 5. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

- a. One member of the Planning Board (created by G.L. c. 41, §81a) as designated by the Board for a term of three (3) years
- b. One member of the Conservation Commission (created by G.L. c. 40, § 8C) as designated by the Commission for a term of three (3) years
- c. One member of the Historical Commission (created by G.L. c. 40, §8D) as designated by the Commission for a term of three (3) years
- d. One member of the Park Commissioners (created by G.L. c. 45, §2) as designated by the Board for a term of three (3) years.
- e. One member of the Housing Authority Board (created by G.L. c. 121B, §3) as designated by its Board of Directors for a term of three (3) years.
- f. Two (2) at large members of the general public, not town employees or currently holding elected or appointed positions, for a term of three (3) years, as designated by the Board of Selectmen.

Any vacancy on the Community Preservation Committee shall be filled by the commission, authority or board that designated the member who creates the vacancy by designating another member in accordance with the above for the unexpired term.

Should any of the commissions, boards, or authorities who have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that commission, board, or authority shall become the responsibility of the Board of Selectmen.

Chapter 2: Duties

1. The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the Board of Selectmen, the Conservation Commission, the Historical Commission, the Planning Board, the Parks Commissioners and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town. The Committee may, after proper appropriation, incur expenses as permitted by state law using funds from the Community Preservation Fund to pay such expenses.
2. The Community Preservation Committee shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Act Funds. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

3. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Act Fund to accomplish that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

Chapter 3: Requirement for a quorum and cost estimates

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings, and shall conduct all meetings in accordance with the requirements of the Open Meeting Law. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of the quorum. Recommendations to the Town Meeting shall include the Committee's anticipated costs.

Chapter 4: Amendments

The Community Preservation Committee shall, from time to time, review the administration of this bylaw, making recommendations, as needed, for changes in the bylaw and in administrative practice to improve the operations of the Community Preservation Committee. This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with G.L. c. 44B.

Chapter 5: Severability

In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Chapter 6: Effective Date

Following Town Meeting approval of this bylaw, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth and proper posting by the Town according to G.L. c. 40, § 32. Each appointing authority shall have sixty days after this bylaw takes effect to make their initial appointments.

ARTICLE 14 Citizens Petition

To see if the town will vote to amend the Planning Board Bylaw, Section 17-6, be deleting all prior amendments and adding the following:

“A Planning Board member may serve concurrently on other boards, committees and commissions, however, when a matter before the boards, commissions and /or committees, the Planning Board member only vote on the matter before the Planning Board. Participation is not barred from the other boards, commission or committees.”

The amended text of the Section 17-6 Establishment shall read as follows:

Section 17-6 Establishment

A Planning Board of 5 member's is established pursuant to MGL c.41, SS.81A thru 81J. A Planning Board member may serve concurrently on other boards, committees and commissions however, when a matter is before two of the boards, commissions and/or committees, the Planning Board member may only vote on the matter before the Planning Board. Participation is not barred from the other boards, commission or committees.

ARTICLE 15
Citizens Petition

To see if the town will vote to amend the official zoning map of the Town of Lancaster referenced in Section 220-5 of the Zoning Bylaws of the Town of Lancaster by changing zoning district of Map 8 Parcel 45 from Residential District to Enterprise District.

ARTICLE 16
Citizens Petition

To see if the town will vote to amend the Official Zoning Map of the Town of Lancaster referenced in §220-5 of The Zoning Lancaster Bylaws of the Town of Lancaster and attached as 220 Attachment 2 to said Bylaws by changing the Zoning district of the below-described land from the Residential District to the Enterprise District.

The land subject to this change is described as follows:

A portion of Assessors' Map 8, Lot 45 currently situated in the Residential District and bounded as follows:

EASTERLY by another portion of Assessors' Map 8, Lot 45 situated in the Enterprise District and by the westerly borders of Assessors' Map 9, Lot 4 and Assessors' Map 13, Lot 10;

SOUTHERLY by the northerly border of Assessors' Map 13, Lot 10;

WESTERLY by the northerly borders of Assessors' Map 13, Lot 10 and the easterly border of Assessors' Map 13, Lot 1;

NORTHERLY by the southerly borders of Assessors' Map 8, Lots 39, 39A, 37H and 37F: the easterly border of Assessors' May 8, Lots 40E, 40D and 40C and the southerly borders of Assessors' Map 8, Lots 43 and 44.

Being the same land shown as "Proposed Enterprise Zone" and "100' No Build Buffer on a sketch entitled "Proposed Re-Zoning Plan, Lancaster, MA" which also shows the land's northern boundary as "New Proposed Enterprise District Zoning Line".

ARTICLE 17
Citizens Petition

To see if the Town will vote to amend the Lancaster Zoning Bylaw at Article IV, Section 220-12. Building Dimensions, subsection A, by deleting the subsection in its entirety and replacing it with the following:

- A. Building or structure height. No building or portion thereof or other structure of any kind shall exceed 48 feet building or structure height in the EZ District, 40 feet in the LI, LI2 and GI Districts or 32 feet in any other district, except as provided in Subsection B.

And you are directed to serve this Warrant by posting up attested copies thereof at the South Lancaster Post Office, the Center Post Office, the Fifth Meeting House and the Prescott Building, in said Town seven days at least before the time for holding said meeting. Hereof fail not and make due return of the Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

SELECTMEN OF LANCASTER

Jason A. Allison, *Chairman*

Jay M. Moody, *Clerk*

Alexandra W. Turner, *Member*

Date of Execution _____

CONSTABLE'S CERTIFICATION

I hereby certify under the pains and penalties of perjury that I posted an attested a copy of this Warrant at the South Lancaster Post Office, the Center Post Office, the Fifth Meeting House, and the Prescott Building on the date attested. I further certify that this Warrant was posted in accordance with the By-laws of the Town of Lancaster and the provisions of M.G.L. c.39, §10.

Attest:

Constable Signature

Print

Date: _____

The full text of the Warrant is available in the Prescott Building and Thayer Memorial Library. The Warrant will also be available at Town Meeting.