



LANCASTER SELECT BOARD
Regular Meeting Agenda via ZOOM™
Monday, August 16, 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 call the meeting to Order at 6:00 P.M. via ZOOM™
Join Zoom Meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/85750090755>

Meeting ID: 857 5009 0755

One tap mobile

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Meeting ID: 857 5009 0755

Find your local number: <https://us02web.zoom.us/j/85750090755>

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

Review and take action on Regular Meeting Minutes August 2, 2021.

IV. SCHEDULED APPEARANCES & PUBLIC HEARINGS

- Director of Community Development and Planning Search Committee
Mark Grasso, Chair, will provide update and status report regarding recruitment of this important position. Discussion on Planning Board's letter regarding Town Planning Director.
- Public Hearing (*continued from August 2, 2021*) LLEC's Application for Special Permit to Remove Earth Products Renewal.



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V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE

VI. TOWN ADMINISTRATOR REPORT

Town Administrator Orlando Pacheco will update the Board on the status of current projects pending.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Formalize Special Town Meeting Schedule (Allison)
2. Discussion on insert with the next tax bill explaining Community Preservation Act (CPA) and the way to apply for the exemptions (Moody)
3. Honor Madison Hughes for being a member of the US Olympic Ruby Team (Moody)
4. Discussion on the status of the Atlantic Union College tax lawsuit (Turner)

VIII. APPOINTMENTS AND RESIGNATIONS

Re-Appointments

Sterling-Lancaster Community Television (SLCT) – John Ledoux, term to expire 9/2024

Appointments

Board of Assessors – Kristen Fox, term to expire 6/30/2022

Resignations

Recreation Director Andrea Kiuru-Shepard, effective immediately

Cultural Council - Donna Rosander, effective immediately

IX. LICENSES AND PERMITS - NONE

X. OTHER/UNFINISHED BUSINESS

- **Annual Town Report**
Town Clerk to start compiling reports/work with departments
- **Code of Conduct Policy**
Comments received from Public are on file with BOS
- **Evaluation of Town of Lancaster Website/Communication Committee**
No action taken
- **North Lancaster Settlement**
In process of setting up closing date/transfer of title
- **DCAMM Land Sale Partnership**
Select Board member Alix Turner to discuss site walk scheduled with DCAMM/Meeting
Scheduled for 9/29/21



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- **Aggregation**
Waiting for Select Board to advise on percentage of additional renewables, if any. Solicit new pricing after decision made.
- **Gazebo Ramp**
Materials are being ordered for installation
- **Department Assistant (CDP)**
Temp. help is being solicited/Select Board to take action on new position and determine hours
- **Assessor Search**
Three applicants provided to the Select Board
- **Open Meeting Law (OML)/Records Training**
Date set for August 25th at 6pm via zoom
- **Town Counsel Request for Proposal (RFP)**
Awaiting comments and edits from Select Board
- **Review Renewal of Special Permit to Remove Earth Products for John E. Kanis, Inc.**
Draft Permit ready for approval. Site walk completed
- **Status Barrett Planning Group**
Planning Board is requesting \$8000 be placed back in their revolving account
- **Audit Services**
Powers & Sullivan is under contract for the FY22 Audit

XI. NEW BUSINESS *

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

XII. COMMUNICATIONS

- Town Offices will be closed on Monday, September 6, 2021 for Labor Day.
- Select Board's next regular meeting will be held via Zoom on Wednesday, September 8, 2021 at 6:00pm

XIII. ADJOURNMENT

III. APPROVAL OF MEETING MINUTES



LANCASTER BOARD OF SELECTMEN
Meeting Minutes
Of Monday, August 2, 2021

I. CALL TO ORDER

Chairman Jason A. Allison called the meeting to Order at 6:00 P.M. via ZOOM™ . Roll call was taken, Jason A. Allison present, Jay M. Moody present, Alexandra W. Turner present.

Meeting ID 845 2099 2892

Invite Link: <https://us02web.zoom.us/j/84520992892>

II. PUBLIC COMMENT PERIOD

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

Chairman Allison recognized Heather Lennon of 294 Nicholas Drive, member of the Historic Commission. Ms. Lennon reported receipt of a letter from the Massachusetts Historical Commission (MHC) stating that the Eastwood Cemetery has been evaluated and is eligible for listing on the National Register, so that the nomination process can begin. Ms. Lennon credited Phyllis Farnsworth for much of the work done to get to this point.

Secondly, on behalf of the Lancaster Historical Commission (LHC), Ms. Lennon asserted the opinion that the gazebo on the Town Green should be removed. She asked each member of the Select Board to state their opinion.

Public Comment Remarks by Heather Lennon, LHC Chair

*Regarding the Netflix prop currently located on Lancaster's historic and beautifully designed Town Green, we on the Lancaster Historical Commission (LHC), **stand firmly behind our original recommendation** that it be placed elsewhere. We base this recommendation upon a careful study of the issue in 2018. We ask, "Are you planning to make the location for this prop permanent?". The reasons for choosing a place off the Green are numerous, and; I will be more than happy to review them with you.*

*At this point, the LHC has **NOT been shown** a detailed **implementation** plan for handicapped accessibility. This is **critical** as it impacts the overall appearance and future of the Green.*

Also, please bear in mind that we do not see the removal of this structure as in any way limiting community activities on the Town Green.

*We respectfully request that this matter be examined again before taking **any further** action. Will you give this request due consideration?*

And, for the record, I ask each SB member, for purposes of open and transparent communication, to speak clearly and give your reasons, here and now, as to why you might want to keep where it presently is.

Thank you very much!

Mr. Allison recognized resident Mark Grasso who spoke on behalf of the Planning Director Search Committee (PDSC). The committee has made recommendations to the Select Board as follows:

1. That this position report directly to and take direction from the Town Administrator;
2. The Community Development Planning Director shall serve as support staff to the Planning Board and the Zoning Board of Appeals; and
3. Additionally, the director shall support various other boards and committees as directed to do so by the Town Administrator.

He further explained that the PDSC has no desire to impact or change past practice, but wants to clarify ambiguity in the existing job description that has made it challenging to hire for this position.

Mr. Allison recognized resident Greg Jackson. Mr. Jackson questioned the format of the Select Board's Policies and Procedures, stating that there appears to be two different versions posted and that they are different in format from many other boards and municipalities.

Mr. Allison made the last public comment regarding the Chairman of the Planning Board, Russ Williston's public email dated July 25, 2021, to a number of people including Mr. Allison. Mr. Allison noted that Mr. Williston accuses him of "open corruption at the Annual Town Meeting". Mr. Allison stated that he was shocked that someone would accuse him of corruption and that someone could think that he was capable of corruption. He further stated that the definition of corruption is "dishonest or fraudulent conduct by those in power", noting that an accusation of corruption is serious. Mr. Allison explained how hurtful those words are and he cares deeply about his reputation, especially in Lancaster, the town he calls home. Mr. Allison discussed that he had responded to Mr. Williston's email explaining to him that corruption is not okay, and it cannot be tolerated. He asked Mr. Williston if he truly believes that there was open corruption at the Annual Town Meeting, he should either file a complaint or publicly recant his allegation. Mr. Allison further discussed that he had made two separate requests to Mr. Williston regarding filing a complaint or publicly recant his allegation; in which he has received no response from Mr. Williston. Mr. Allison stated that "all of the committee board members in the Town are volunteers, and none of us should be treated like this."

Mr. Allison stated to all residents of Lancaster, he does believe this behavior should not be tolerated, and he believes the town deserves better than this. He further remarked that he believes the elected Town Officials should be held to a high standard. Mr. Allison commented that these

accusations were done simply to be cruel or to bully which is simply unacceptable and he is not accepting it and is asking every fellow resident not to accept it either. He urged other members of the Planning Board to set the bar of professionalism high and do not accept the poor behavior from their Chairman.

III. APPROVAL OF MEETING MINUTES

Review and take action on Regular Meeting Minutes of July 19, 2021.

Mr. Allison moved to approve the minutes of the Regular meeting of the Select Board of July 19, 2021 with two changes (modify header to read July 19; note that Mr. Moody rather than Mr. Allison commented on Board members, specifically members of the Board of Assessors, should be Town residents). Mr. Moody seconded the motion for the amendment.

Vote taken. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. Motion to approve the amendment passed. [3-0-0]

Mr. Moody moved to accept the minutes of the Regular meeting of the Select Board of July 19, 2021, as amended. Ms. Turner seconded.

Vote taken. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. Motion passed.[3-0-0]

Review and take action on Special Meeting Minutes of May 27, 2021 and July 13, 2021.

Mr. Moody moved to approve minutes of the Select Board Special meeting of May 27, 2021, and the minutes of the Select Board Special meeting of July 13, 2021. Ms. Turner seconded.

Vote taken. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. Motion passed.[3-0-0]

IV. SCHEDULED APPEARANCES & PUBLIC HEARINGS

Public Hearing (continued from July 19, 2021) LLEC's Application for Special Permit to Remove Earth Products Renewal.

Seeing no representative from LLEC, the Public Hearing was again continued.

*** Later in the meeting, Ms. Turner, communicating via text with Jim Simpson of LLEC, reported that Mr. Simpson was unable to join the Zoom meeting. Ms. Turner advised Mr. Simpson via text that he should be prepared to join the August 16, 2021 meeting at 6:00. ***

V. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS - NONE

VI. TOWN ADMINISTRATOR REPORT

Town Administrator Orlando Pacheco will update the Board on the status of current projects pending.

1. Bylaw Submittals

Town Administrator Pacheco reported that all four bylaw changes were submitted to the Attorney General's office on July 20th, and they have acknowledged receipt. Once the Town Clerk receives the official response it will be share with all interested parties.

2. Green Communities Grant

Town Administrator Pacheco announced that he Town received another round of funding in the Green Communities Grant. The grant award was for \$35,300 to fund an Energy Management System for the Prescott Building \$30,300 and \$5,000 toward the hybrid vehicle for the Fire Department. Mr. Pacheco stated that they have put both projects in motion and have until September 30, 2023, to complete the work.

3. Electronic Signboards

Mr. Pacheco stated that they have put in a request for two electronic signboards to be paid for with the CARES ACT funding. Mr. Pacheco is coordinating with the Board of Health on the order, delivery, and future use of the signboards. Use is limited to COVID related items until appropriate guidance on non-COVID uses is given. Combined price will be \$30,000 (\$15,000 each).

4. Air Quality Sensor Grant

Mr. Pacheco has applied for a Grant to support the Board of Health efforts to monitor air quality in the Town. He has applied for 10 sensors from the Mass. Department of Environmental Protection (DEP) that will be deployed by the Board of Health in various locations within the Town. The results will help identify the level of particle pollution and emissions locally. Discussion was held about making public/website announcements to let people know that the little hanging blue things will be sensors.

Mr. Allison asked the status of Mr. Pacheco's meeting with the Planning Board to discuss the Barrett Planning Group situation; this has not happened due to vacation schedules; Mr. Allison asked that this item be added to Unfinished Business.

VII. ADMINISTRATION, BUDGET, AND POLICY

1. Massachusetts Bay Transportation Authority (MBTA) Advisory Board discussion to appoint a designee. (Allison)

This position is not currently filled. Ms. Turner stated that in the past this position has been covered by the MART (Montachusett Area Regional Transportation) representative, which is currently Ms. Turner. Mr. Allison suggested that Mr. Pacheco advertise this opportunity to all boards and committees to solicit possible nominees. If no interest is shown, an appeal will be advertised to the general public.

2. Discussion on Principal Assessor candidate interview pool (Allison)

Mr. Allison explained that there had been four candidates for this position; three candidates have withdrawn. He has asked Sandi Charton, Human Resources (HR) Director for guidance as to what happens when there is only one candidate. The HR Director has reached out to the Attorney General's office for guidance.

Currently, former Assessor Deb Sanders is helping out in the office. Mr. Pacheco stressed that this is short term, and that using Regional Resource Group (RRG) is also not a long-term solution.

Ms. Turner feels the hiring process should be fast-tracked and that we need to advertise with the MMA (Massachusetts Municipal Association) and with Assessors' organizations, perhaps for a three-week period. Ms. Turner stated multiple times that she was unhappy with the way the process has gone and that the Select Board had been given incorrect information regarding the number of applicants and as to whether advertising had been placed with the MMA.

Ms. Turner wants to sit with the Assessors to discuss the lawsuit with Atlantic Union College.

Mr. Moody questioned the status of the contract with RRG. He has spoken to this company and will send the name of his contact there to Mr. Pacheco and the other members of the Select Board.

Mr. Allison would like to move ahead and discuss appointing Bobbi Jo Williams who is currently acting in the position. Ms. Turner states the legal opinion received indicates that at least three candidates must be interviewed. Discussion was held as to whether or not this criteria had been met even though three candidates withdrew. Mr. Moody would like to see a short-term advertisement; he feels that if this does not result in additional candidates he could support the one applicant, but he believes that in the best interest of the Town, three candidates should be brought forth.

Mr. Allison suggested that since no motion was heard, Mr. Pacheco should be instructed to quickly place an advertisement with the MMA. Mr. Pacheco stated he will place the

advertisement tomorrow for a two week timeframe. The applications will be closed on August 16 at 4:00 p.m.

3. Capital Group Property – Peer Review (Allison)

Mr. Allison explained that in his understanding, it was recommended to have a third party independent peer review of the traffic study. The developer would pay for this and the Economic Development Committee is responsible for setting this up. The Select Board would need to authorize this so that monies could be paid by the Town to be reimbursed by the developer. Mr. Pacheco explained that this responsibility belongs to the Select Board because the Economic Development Committee does not have regulatory authority. Mr. Pacheco suggests asking the developer to pay up front so as not to create a deficit in any account, or creating a revolving account.

Mr. Allison recognized Phil Eugene, member of the Economic Development Committee. Mr. Eugene explained the need for the third party review. Ms. Turner suggested that since the need is in part triggered by negative resident responses during meetings, these comments could be “synthesized” and given to the company doing the review to ensure all topics are covered. Mr. Eugene suggests that if the Select Board were to approve the Peer Review, he could contact Capital Group and request that they start the funding process. Ms. Turner suggested putting information on the Town website encouraging residents to submit concerns.

Ms. Turner moved to approve a Peer Review Study of the Capital Group Traffic Report. Mr. Moody seconded. Mr. Allison requested an amendment to this motion to include “paid by the developer.” Ms. Turner seconded.

Vote taken on the amendment. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. Motion passed.[3-0-0]

Vote taken on the amended motion. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. Motion passed.[3-0-0]

4. Discussion to see that Senior Work-Off Program Applications are on line (Moody)

Mr. Pacheco reported that the new application form is available online. He furthermore stated that some cleanup is needed; there is still an income requirement, albeit a high one, but this is not referenced on the application.

Discussion ensued; there was confusion about whether or not approving the application form without income levels negated the income level process. Mr. Pacheco recommends that the application should be reviewed annually.

5. Discussion why Select Board's FOB Keys are now limited. (Moody)

Mr. Moody states that he usually gets a notification on Friday that the Select Board packets are available for pickup in the Select Board office. In the past he has picked it up in the meeting room or outside the office door, but his key fob no longer works on Saturdays. He understands that the packets are available outside the Town Hall door in a container but is concerned that this is not a good solution due to privacy.

Mr. Pacheco will call IT to work this out. Ms. Turner recalls that years ago she had a hard key. Mr. Allison requests that Mr. Pacheco document the available times and then the Board can discuss the issue.

6. Discussion on Building Commissioner and Inspector Recruitment (Moody/Turner)

Mr. Moody asked if advertisements for the open position had been posted. Mr. Pacheco responded that no, but a plan is in the Select Board packet for the Board's review and approval. Ms. Turner stated that she would like to receive her packet earlier in the week because she did not have time to review it. She would like to look at Select Board Policies and Procedures, perhaps in a Working meeting, and would like more information in the packets. Mr. Allison stated that in his opinion Mr. Pacheco had done everything requested and that he supported Mr. Pacheco's recommended plan found in the packet.

Mr. Pacheco re-capped. He recommends that the Town look to hire a Local Inspector so as to increase the size of the applicant pool. This would be a union position. He would then like to regionalize a Commissioner position with another local town. He suggested advertising for a Commissioner at the same time so that if a duly qualified Commissioner applied, this could work.

Discussion: The Board discussed the difference between Local Inspector and Commissioner, as well as the pros and cons of full time versus part time positions. They further discussed the pros and cons of a part-time Inspector who is actively engaged in the building trades.

Ms. Turner would like ensure that in addition to the advertising suggested in Mr. Pacheco's report, that the job opening is also posted on the town website.

Ms. Turner would like to have the Standing Search Committee review resumes once received and present three candidates to the Select Board. Mr. Pacheco asked the Board to decide how to go about appointing this individual. Mr. Pacheco suggested that he contact resident Mark Grasso of the existing Search Committee. Mr. Allison expressed fears about establishing too many committees

7. **Discussion on the completion of the Legal Council Request for Proposal (RFP) (Turner)**

Ms. Turner stated that she is still responsible for returning comments to Mr. Pacheco regarding the Legal Council RFP. She would like to look at the issue from a more macro viewpoint. She states she recently attended an excellent workshop run by the Inspector General's office (Mr. Pacheco corrected; this workshop was held by the Department of Revenue.) She talked to best practices and would like all services to go through procurement every three years, including Audit Services and Engineering. She stated that anyone with any fiduciary responsibility need to be "hands off" and suggests that an Audit Committee be formed. Mr. Pacheco clarified that this seminar had suggested reviewing audit services every five to eight years, and that Town Council services are exempt from this requirement under Chapter 30B.

Ms. Turner suggested that the entire Board review the tape of the seminar.

Mr. Allison stated that he thought that the RFP for Legal Council had been sent out. Mr. Pacheco stated that he is still waiting for feedback from the Select Board, including dates. Mr. Moody stated that he still needs to submit his feedback as well. Mr. Pacheco has a list of firms to send the RFP to once the RFP is finalized. Mr. Allison asked that this item be added to Old Business. Ms. Turner asked that in addition to sending the RFP to members of the Select Board that Mr. Pacheco also send a tape of the above referenced seminar and Audit Services. Mr. Pacheco noted that the contract for Audit Services does not expire for another year; Ms. Turner would like it listed under Old Business now so that it happens in a timely fashion.

8. **Discussion on Audit Services (Turner)**

Covered in previous discussion.

9. **Discussion on Town acquired property – 0 Hardy Street. (Town Administrator)**

Mr. Pacheco has provided the Select Board, in response to previous request, a list of Town owned properties, totaling about 1,000 acres. Mr. Allison confirmed that all requested information has been provided and that the Board now needed to advise Mr. Pacheco as to next steps.

Ms. Turner stated that in the past available land has first been brought to all boards and committees in case the land met a need, and then an auctioneer was hired. She would like the town-owned land list to have greater detail. Mr. Pacheco stated that in a case like this, for relatively low value land, that the Board either choose to issue an RFP or use an online auction site. Ms. Turner would like to earmark specifically where the funds received from this land sale would go; Mr. Pacheco explained that they would have to go to the General Fund.

The Town currently has a Property Disposal Committee, referenced in Mr. Pacheco's notes and discussed by Ms. Turner.

Mr. Allison asked what the minimum bid would be; Mr. Pacheco explained that most likely it would be \$30,000.00. A discussion followed about assessed value versus market value. Mr. Allison requested documentation explaining this. Discussion continued as to the definition of an unbuildable lot. Mr. Pacheco suggested that the Town, as a condition of the sale, include a deed restriction so that any building on the lot be restricted to accessory use.

Mr. Pacheco advised that the Board's first step would be to declare the parcel of land as surplus and available for disposition.

Ms. Turner moved to declare the property at 0 Hardy Street, Lancaster, as surplus and available for disposition. Mr. Allison seconded the motion.

Discussion was held about next steps; after declaring the property as surplus the Board will need to authorize the Town Administrator to sell the property. The Board will approve final sale conditions. Ms. Turner expressed concern that the property had not been offered to town boards and committees. It was agreed that Mr. Pacheco will notify all boards and committees that this parcel is being declared surplus.

Vote taken. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. Motion passed.[3-0-0]

Mr. Pacheco will notify boards and committees and asked the Select Board to consider what restrictions they would like to place on the sale with input to be received prior to the next regular Select Board meeting on August 16.

10. Donation to Fire Department- Acceptance of gift from local resident Shirley Griffin Family Trust. (Town Administrator)

Ms. Turner moved to accept a generous donation of \$1,000 from the Shirley Griffin Family Trust to the Fire Department. Mr. Allison seconded the motion.

Vote taken. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. Motion passed.[3-0-0]

VIII. APPOINTMENTS AND RESIGNATIONS

Appointments

Personnel Board – Jean Bean, term to expire - 6/30/2024

Mr. Allison asked for a motion to make this appointment. Mr. Moody and Ms. Turner would like to wait until other applications are received for the committee. Ms. Turner agreed with

Mr. Moody, stating that she would like to wait until other applications are received so that the Board could thoughtfully choose from skill sets. Mr. Moody would like to set a date for application deadline. Mr. Allison disagrees and would like to appoint this applicant with others to follow.

No motion made, no action taken.

Appointments

Montachusett Regional Planning Commission – Carol Jackson

Ms. Turner moved to appoint Carol Jackson to the Montachusett Regional Planning Commission, term to expire June 30, 2022, as requested by the Planning Board in a memo from Thomas Christopher. Mr. Moody seconded.

Vote taken. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. Motion passed.[3-0-0]

IX. LICENSES AND PERMITS

- **Review Renewal of Special Permit to Remove Earth Products for John E. Kanis, Inc.**

Ms. Turner moved to grant a Special Permit to Remove Earth Products for John E. Kanis, Inc. Mr. Moody seconded.

Mr. Allison questioned the definition of Special Permit. Mr. Pacheco explained that this is a recommendation from Tighe & Bond following the last meeting. Ms. Turner would like a site walk; her recollection of the previous meeting is that the permit would be approved pending a site walk. Mr. Pacheco recommends that if a site walk is requested that this one happen the same day as LLEC and Keating. Ms. Turner would like to also invite the Conservation Commission. Discussion was held as to whether or not this would have to be a posted meeting; Mr. Pacheco says not if there is no deliberation.

Mr. Pacheco will try to schedule a site walk prior to August 16. Mr. Allison asked that this item be placed on Old Business.

- **Application for License for Public Amusements to be held on Weekdays for the Annual Bolton Fair - Dean & Flynn, Inc dba Fiesta Shows, August 12, 2021 from 5pm-10pm; August 13, 2021 from Noon – 10pm and August 14, 2021 from 9am to 9pm.**

Mr. Moody moved to grant a License for Public Amusements for the Annual Bolton Fair to Dean & Flynn, Inc., d/b/a Fiesta Shows, August 12, 2021, from 5pm-10pm; August 13, 2021 from noon-10pm, and August 14, 2021 from 9am to 9pm. Ms. Turner seconded the Motion.

Vote taken. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. Motion passed.[3-0-0]

- **Application for License for Public Amusements to be held on Sundays, Annual Bolton Fair - Dean & Flynn, Inc dba Fiesta Shows, August 15, 2021 from 9am-9pm**

Mr. Moody moved to grant a License for Public Amusements to be held on Sundays, for the Annual Bolton Fair to Dean & Flynn, Inc., d/b/a Fiesta Shows, August 15, 2021 from 9am-9pm. Mr. Allison seconded the motion.

Vote taken. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. Motion passed.[3-0-0]

X. OTHER/UNFINISHED BUSINESS

- **Annual Town Report**

Town Clerk to start compiling reports/work with departments

Mr. Pacheco reported that the Town Clerk is now working on this, having finished sending the Annual Town Meeting documentation to the State. He estimates that a draft will be ready in a month to six weeks. The Town Clerk and the Assistant Town Clerk will work with Ms. Rocco to put it in PDF format to send to print.

- **Code of Conduct Policy**

Comments from Town Administrator & Human Resource Director. Posted on the website, waiting for additional feedback

Mr. Pacheco reports that the Notification process has been used to reach out to residents.

- **Evaluation of Town of Lancaster Website/Communication Committee**

No action reported.

Mr. Allison noted that openings for the Communications Committee are not shown on the town website. Mr. Pacheco will address this.

Discussion: Mr. Allison stepped back to the previous topic, the Code of Conduct Policy, and questioned why this seemed to pertain to elected boards and committees but not to staff. Mr. Pacheco explained that it would need to be part of collective bargaining to pertain to union employees. Mr. Allison requested that Mr. Pacheco work with the HR Director to see if job descriptions state that employees must adhere to the Code of Conduct. Additionally, Mr. Allison stated that since the chain of command documentation is final, he would like to see

this included in the Code of Conduct. Mr. Allison expressed concern over the statement in the Code of Conduct, “refrain from giving orders or directions to the Town Administrator/Manager for action as an individual.” It was determined that because there will undoubtedly be other edits, nothing will be changed yet.

- **North Lancaster Settlement**

In process of setting up closing date/transfer of title

Mr. Pacheco expects that a closing date will be set soon; he will email the members of the Select Board when this date is set. Ms. Turner reminded him of concerns about a clean title.

- **DCAMM (Division of Capital Asset Management and Maintenance) Land Sale Partnership**

Select Board member Alix Turner to discuss site walk scheduled with DCAMM

Ms. Turner advises that she has spoken to her contact at DCAMM, and that while a site walk would be good, the first priority should be to come to an agreement that the Select Board does want to move forward. There is some urgency. Perhaps a small quick site walk would be useful, followed by an agreement. Mr. Pacheco recommended pinning down a date for a small site walk. Mr. Allison asked Mr. Pacheco and Ms. Turner to take this offline.

- **Aggregation**

Waiting for Select Board to advise on percentage of additional renewables, if any. Solicit new pricing after decision made.

Ms. Turner would like the Energy Commission and the Climate Coalition to give their opinions on this topic. Mr. Pacheco will send a note to both entities.

- **Gazebo Ramp**

Final design reviewed, shared with Lancaster Historical Commission and Committee on Disability. Next step – schedule install and order materials.

Mr. Pacheco reports that he met with Heather Lennon of the Historical Commission and that she does not like the design for the gazebo ramp as presented. Mr. Allison recognized Ms. Lennon who spoke at length about her objections to the plans, specifically to the pathway that would lead to the ramp, and to the Historical Commission’s objections to the location of the gazebo on the Town Green. As noted earlier in the minutes, Ms. Lennon’s documentation is attached.

- **Department Assistant (CDP)**

Select Board to take action on new position and determine hours

Mr. Pacheco explained that the next step for the Select Board would be to authorize a position and number of hours. He stated that he has been able to provide some but not all information requested by Ms. Turner as to comparative positions in neighboring towns.

Ms. Turner stated that in light of financial deficits she does not support adding another position but would support a temporary employee to alleviate some workload. Mr. Pacheco stated that he does not think this is a temporary problem, but a permanent one. Ms. Turner does not support hiring outside of the approved budget.

Ms. Turner moved to hire a part time temporary assistant for the Planning Office. Mr. Moody asked if the position could later be converted to permanent if needed. Mr. Moody seconded.

Mr. Moody recommended a 19 hour/week temporary position. Ms. Turner expressed her desire to support employees and to respect the Finance Committee's desire to hold the line on the budget.

Vote taken. Jason A. Allison, Aye, Jay M. Moody, Aye, Alexandra W. Turner, Aye. Motion passed.[3-0-0]

- **COVID Funding**

Finance to provide breakdown of existing CARES expenditures

Mr. Pacheco explained that he has provided a financial statement to the members of the Select Board, but notes that it does not include monies for the sign boards because that money has not yet been spent.

- **Assessor Search**

Three applicants provided to the Select Board

This item was discussed earlier in the meeting.

- **Open Meeting Law (OML)/Records Training**

Set up date (preferably Wednesday evening)

Mr. Pacheco reported that the first training session has been scheduled for August 25. Mr. Allison confirmed that this is for all staff members as well as boards and committees. Mr. Moody confirmed that this meeting will be available via ZOOM.

- **Town Counsel Request for Proposal (RFP)**

Awaiting comments and edits from Select Board

This item was discussed earlier in the meeting.

XI. NEW BUSINESS

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

Ms. Turner stated that Mr. Grasso, Planning Director Search Committee, needed information on the chain of command structure and the Acts of 2002. Mr. Pacheco will follow up on these questions with the HR Director.

XII. COMMUNICATIONS

- Select Board's next regular meeting will be held via Zoom on August 16, 2021 at 6:00pm

XIII. ADJOURNMENT

Select Board member Alix Turner offered a motion to adjourn the meeting at 8:58pm; seconded by Mr. Moody. Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]

Respectfully submitted

Kathleen Rocco
Executive Assistant

Jay M. Moody Clerk
Approved and accepted:

SCHEDULED APPEARANCES & PUBLIC HEARINGS

Kathi Rocco

From: Orlando Pacheco
Sent: Monday, August 9, 2021 3:07 PM
To: Kathi Rocco
Subject: FW: Requests re: Agenda Items for Selectboard Meeting of August 16, 2021

From: Sandra Charton <SCharton@lanasterma.net>
Sent: Monday, August 9, 2021 3:06 PM
To: Orlando Pacheco <OPacheco@lanasterma.net>; Jason A. Allison <JAllison@lanasterma.net>
Cc: jaymdy@comcast.net; Alexandra Turner <turnerselect@gmail.com>; Mark Grasso <markgrassoedc@gmail.com>
Subject: Requests re: Agenda Items for Selectboard Meeting of August 16, 2021

Dear Orlando, Jason, Jay and Alix:

The Director of Community Development and Planning Search Committee has asked me to request that it be placed on the agenda at the next meeting of the Selectboard, which I believe will be August 16, 2021. Chair Mark Grasso will provide an update and status report regarding the recruitment for this important position. Please feel free to let me know if you have any questions.

Many thanks.

Sandi Charton
Interim Director of Human Resources
Town of Lancaster
701 Main Street
Lancaster, MA 01523
(978) 365-3326
scharton@lanasterma.net

The contents of this email and any attachments are the property of the Town of Lancaster Massachusetts and subject to the Public Records Law, M.G.L. c. 66, section 10. When writing or responding, please remember that the Massachusetts Secretary of State's Office has determined that email is a public record and not confidential.
The contents of this email and any attachments are the property of the Town of Lancaster Massachusetts and subject to the Public Records Law, M.G.L. c. 66, section 10. When writing or responding, please remember that the Massachusetts Secretary of State's Office has determined that email is a public record and not confidential.

August 9th, 2021

Lancaster Select Board
Prescott Building Suite 4
701 Main Street
Lancaster, MA 01523

Select Board,

The Planning Board is writing to:

1. Reinforce that the description and responsibilities of the Town Planning Director are detailed in the town bylaws. The bylaws are clear that the procedure to amend those is to amend the town bylaws.
2. Share concern with the limited advertising for this open position over the past fourteen months, since the last Planning Director's final day in June, 2020.

The "Planning Director Search Committee" recent discussion on the Planning Director's responsibilities is not necessary. At your August 2nd meeting, in "Public Comment" their chair, Mark Grasso, appeared in order to share their recommendation:

"The Community Development and Planning Director search committee recommends that this position report directly to, and take direction from, the Town Administrator. The Community Development and Planning director shall serve as staff support to the Planning Board and the Zoning Board of Appeals. Additionally, the director shall support various other boards and committees as directed to do so by the Town Administrator."

That recommendation is not in harmony with the town's bylaws. The town's bylaws are clear that this director supports the "Planning Board", and is the Planning Boards liaison to the other "departments and agencies":

§ 55-2 Powers and duties of Planning Director.

A. The Planning Director shall be responsible for coordinating all planning activities in the Town and serves as staff support to the Planning Board.

(10) To serve as staff liaison between the Planning Board and other Town departments and agencies.

The bylaws are very clear that those responsibilities may be changed “by amendment to this bylaw:”

§ 55-3 Changes to Director’s powers and duties.

The duties, powers and responsibilities of the Director may be broadened or diminished at any time by amendment to this bylaw, except to the extent that such duties, powers and responsibilities are defined by an employment contract.

Former Planning Director Michael Antonellis’s final day was on June 12th, 2020.

A member of the Planning Board recently looked into the extent of advertising this position has received over the past 14 months. Carol Jackson corresponded with Sandra Charton and others to gather information on the search effort.

The full advertising effort has consisted of the following:

- Town Website posting. According to Ms. Charton it was posted on 11/15/2020 and most recently removed in June 2020
- MMA “The Beacon”: printed once in the 1/21 issue
- MMA’s Website: run for 30 days starting approximately 11/24/2020
- “Handshake” website: 3/16/2020 to 4/30/2021
- Indeed.com, from 1/7/2021 to 7/27/2021

The results of this search effort have been meager:

- On October 7th, 2020: the Planning Board Chair, Russ Williston, was notified by the Town Administrator that the Select Board had gathered 10 resumes, and had asked the Planning Board to interview them. Russ Williston solicited Planning Board members Jeanne Rich and Tom Christopher to interview them; their interviews yielded one recommended applicant for final consideration at the November 16th Board of Selectmen meeting. That effort did not yield a planning director.
- On December 29th, 2020: the Planning Board Chair was notified by the Town Administrator that the Select Board had located one more candidate. Russ Williston solicited Planning Board members Roy Mirabito and Carol Jackson to interview this candidate. This effort yielded no applicants for consideration.
- No applicants were interviewed after January, 2021.

In May, 2021 the Select Board named a search committee to fill this position. Only one member of the search committee is a member of the Planning Board. The committee has been hampered by disagreements over the posting and description for the role. The position has not been advertised since June.

This is the primary staff support position for the town's Planning Board: it has now been unstaffed for more than 14 months. This is an urgent situation that needs immediate attention. The position should immediately be advertised as described in the town's bylaws, and the selection of the director should be driven by members of the board this position supports: the Planning Board.

On behalf of the Lancaster Planning Board

A handwritten signature in black ink that reads "Russell W. Williston". The signature is written in a cursive style with a prominent initial "R".

Russell W. Williston



TOWN OF LANCASTER
OFFICE OF THE
SELECT BOARD

Jason A. Allison, Chairman
Jay M. Moody, Clerk
Alexandra W. Turner, Member

Orlando Pacheco, Town Administrator
Kathleen A. Rocco, Executive Assistant

MEMORANDUM

TO: BOARD OF APPEALS, BOARD OF ASSESSORS, BOARD OF HEALTH,
BUILDING COMMISSIONER, COLLECTOR-TREASURER,
CONSERVATION COMMISSION, DEPARTMENT OF PUBLIC WORKS,
FIRE DEPARTMENT, PLANNING BOARD, POLICE DEPARTMENT, TOWN
CLERK

FROM: Kathleen Rocco, Executive Assistant

CC: Select Board

DATE: June 25, 2021

RE: Notice of Public Hearing –Special Permit Removal of Earth Products Renewal

The Board is in the process of reviewing LLEC, Inc.'s application for the above –referenced. Our office would appreciate your cooperation by assisting us in this process. Attached please find the following:

- Application for Special Permit Removal of Earth Products Renewal (Maps may be viewed on the Selectmen's office);
- Town of Lancaster Notice of Public Hearing; and
- Department Comment Sheet.

Please complete the Department Comment Form, with any comments you feel appropriate on said License Application.

Please return the form(s) to the Selectmen's Office **no later than Friday, July 16, 2021.**

Thank you for your assistance in this matter.

Enclosures



TOWN OF LANCASTER, MASSACHUSETTS
BOARD OF SELECTMEN
Town Hall, 695 Main Street, P.O. Box 293
Lancaster, MA 01523-0293
Tel: 978-365-3326 Fax: 978-368-8486

Town Clerk's Office
Date & Time Received
RECEIVED
MAY 28 2012
Board of Selectmen

**APPLICATION FOR SPECIAL PERMIT
REMOVAL OF EARTH PRODUCTS**

1. Applicant's Name: LL EC INC.
2. Applicant's Address: 139 Greenland Rd. Sterling, Ma. 01564
3. Name of Business or Concern (If operating other than individual): LL EC INC.
4. Business Address (If different than address listed under Question 2): _____
5. Location of Property (Street Address): Westerly of I-190, Easterly of Jungle Rd.
6. Assessors' Atlas: Map/Sheet No. 23 Parcel No. 7 Lot No. _____
7. Location approximately 700 feet N S E W from the intersection with Jungle Rd.
8. Evidence of Property Ownership (Attach Deed, Lease, other): _____
9. Name and Address of Engineer or Firm Responsible for plans, specifications, compliance, etc? Andrussick Land Surveying P.O. Box 97 Princeton, Ma. 01571
10. Engineering plans and specifications prepared (date): July 2012

SCOPE OF WORK

11. Cubic yards to be excavated/removed from site: 30,000 Area: 14 ± Acres
12. Type of earth product(s): Peat _____ Loam _____ Gravel _____ Rock _____ Other Sand
13. Proposed date of completion of excavation: 24 months Of Removal _____
14. Duration of Request (Minimum of 6 months; maximum of 24 months): 24 Months
15. Reason for Request: to remove earth products

16. Estimated cost for erosion control, grading, seeding, or reclamation: _____

17. Bond Required: _____
(To be determined by the Town)

18. Have you been issued a Special Permit for earth products removal before? Yes _____ No _____

If yes, when was it last issued? 2018 For what period? 24 Months

THE FOLLOWING MUST BE SUBMITTED AS PART OF THIS APPLICATION:

1. Three (3) copies of a registered, engineered plot plan of the area showing existing grades and proposed finished grades and the distances from the excavation to the side and rear property lines.
2. Three (3) copies of the registered, engineered plot plan reduced to 11" x 17" on white paper.
3. Three (3) sets of engineering specifications.
4. Evidence of Property Ownership as required under Question 8.
5. Check for Permit Application Fee (\$250 for one (1) year; \$500 for two (2) years).
6. Check for \$1,000 for Professional Engineering Review Fees. The Applicant shall be required to forward to the Town any engineering costs exceeding the \$1,000 review fee estimate.

The applicant certifies that it has filed all state tax returns and paid all state and local taxes required by law and agrees to comply with the terms of its permit and applicable law, and all rules and regulations promulgated thereto. I further certify that the information contained in this application is true and accurate and also authorize the Permitting Authority or its agents to conduct whatever investigation is necessary to verify the information contained in this application.

Signed under the pains and penalties of perjury.

 _____ DATE SIGNED 5.24.21
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE
OFFICER OR APPLICANT

NOTE: The filing of this application does not permit the Applicant to remove earth products. Removal of earth products may not commence until the Board of Selectmen issues a special permit.

BOND DEPARTMENT - NOTICE OF CANCELLATION

**NGM Insurance Company
4601 Touchton Rd East Ste 3400
P.O. Box 16000
Jacksonville, FL 32245-6000**

Issued to you as: **Obligee**

**Town of Lancaster
695 Main Street
Lancaster, MA 01523**

The Company hereby gives you notice of cancellation in accordance with bond conditions of:

Bond Number: . S-253770	
Principal:	L L E C Corp
Type of Bond:	License/Permit
Classification:	Removal of Sand and Gravel
License Number:	
Remarks:	removal of sand & gravel
Original Date of Issue:	9/30/2005
Cancellation Effective:	9/30/2021

By virtue of this notice the bond will be cancelled and all liability of said company will cease at and from the time and date stated above without further notice.

Such action is caused by reason of:
Agent No Longer Represents NGM/ODIC/MSA

Copies of this notice were mailed to:

Principal:
L L E C Corp
139 Greenland Rd
Sterling, MA 01564


Obligee:
Town of Lancaster
695 Main Street
Lancaster, MA 01523

Additional Principals:

Additional Obligees:

AGENCY: 20-0435 The Herlihy Insurance Grp Inc

COMPANY: NGM Insurance Company

By:  Date: 6/9/2021
Attorney-in-fact

**TOWN OF LANCASTER
NOTICE OF PUBLIC HEARING
APPLICATION FOR SPECIAL PERMIT
TO REMOVE EARTH PRODUCTS RENEWAL**

Notice is hereby given that a Public Hearing will be held on Monday, July 19, 2021 at 6:15 P.M. via ZOOM, to consider the application of James Simpson, dba LLEC Inc., 139 Greenland Road, Sterling, MA for renewal of a Special Permit To Remove Earth Products (Sand and Gravel) from a parcel of land located westerly of I-90, Easterly of Jungle Road, identified on the Lancaster Assessors' Maps as Map 23, Parcels 7, location approximately 700 feet Easterly from the intersection with Jungle Road. A copy of the Application and Engineering Plans may be viewed in the Select Board's Office, Prescott Building, 701 Main Street, Suite 1, Lancaster, MA between the hours of 9:00 a.m. and 4:00 p.m. Monday through Thursday. All persons interested in providing comment should attend and be heard.

LANCASTER SELECT BOARD
Jason A. Allison, Chairman
Jay M. Moody, Clerk
Alexandra W. Turner, Member

The Item – 7/2/21 & 7/9/2021 (2x)



300 foot Abutters List Report

Lancaster, MA

July 13, 2021

Subject Property:

Parcel Number: 023-0007.0
CAMA Number: 023-0007.0
Property Address: 0 BROCKELMAN RD

Mailing Address: LLEC INC
139 GREENLAND RD
STERLING, MA 01564

Abutters:

Parcel Number: 018-0012.0
CAMA Number: 018-0012.0
Property Address: 2680 NO MAIN ST

Mailing Address: DECOSTE STANLEY L JR & ERIN M
2680 NO MAIN ST
LANCASTER, MA 01523

Parcel Number: 018-0012.A
CAMA Number: 018-0012.A
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: DURKIN JOHN D TRUSTEE BASHAW
REALTY TRUST
18 WEATHERBEE ST
ACTON, MA 01720

Parcel Number: 023-0005.0
CAMA Number: 023-0005.0
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: LANCASTER TOWN OF
701 MAIN ST SUITE 1
LANCASTER, MA 01523

Parcel Number: 023-0006.0
CAMA Number: 023-0006.0
Property Address: 267 BROCKELMAN RD

Mailing Address: NASHAWAY FARMS LLC
237 BROCKELMAN RD
LANCASTER, MA 01523

Parcel Number: 023-0008.0
CAMA Number: 023-0008.0
Property Address: 0 BROCKELMAN RD

Mailing Address: OWNER UNKNOWN
0 BROCKELMAN RD
LANCASTER, MA 01523

Parcel Number: 023-0009.0
CAMA Number: 023-0009.0
Property Address: 0 BROCKELMAN RD

Mailing Address: D & R FARMS, INC
765 BROCKELMAN RD
LANCASTER, MA 01523

Parcel Number: 023-0010.0
CAMA Number: 023-0010.0
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: GOODALE WILFRED EST
0 BROCKELMAN RD REAR
LANCASTER, MA 01523

Parcel Number: 023-0011.0
CAMA Number: 023-0011.0
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: D & R FARMS INC
765 BROCKELMAN RD
LANCASTER, MA 01523

Parcel Number: 023-0012.0
CAMA Number: 023-0012.0
Property Address: 0 BROCKELMAN RD

Mailing Address: LANCASTER TOWN OF
701 MAIN ST SUITE 1
LANCASTER, MA 01523

Parcel Number: 023-0014.0
CAMA Number: 023-0014.0
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: LANCASTER TOWN OF
701 MAIN ST SUITE 1
LANCASTER, MA 01523



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

7/13/2021

Page 1 of 2



300 foot Abutters List Report

Lancaster, MA

July 13, 2021

Parcel Number: 023-0015.0
CAMA Number: 023-0015.0
Property Address: 0 BROCKELMAN RD REAR

Mailing Address: LANCASTER TOWN OF
701 MAIN ST, SUITE 1
LANCASTER, MA 01523

CERTIFIED COPY

Debra A. Sanders

Debra A Sanders, Member
Lancaster Board of Assessors

July 13, 2021

2 pages

CAI Technologies

www.cai-tech.com

7/13/2021

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Page 2 of 2



0 Brockelman Rd

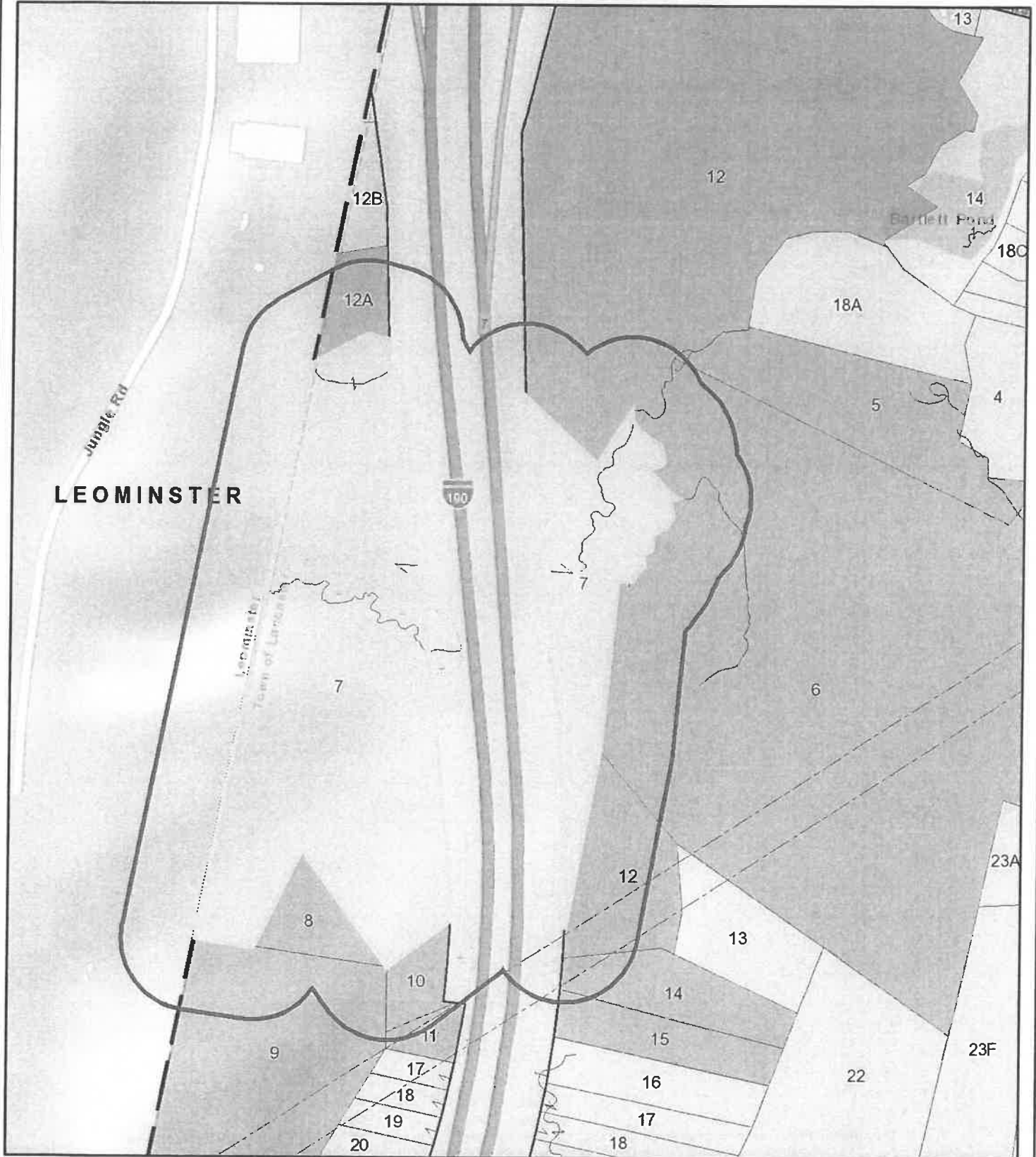
Lancaster, MA



July 13, 2021

1 inch = 555 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

July 7th, 2021
701 Main Street
Lancaster, Massachusetts

TO: Lancaster Board of Selectmen
RE: Department Comment Form
Application for Special Permit Removal of Earth Products Renewal
LLEC, Inc

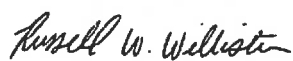
Regarding the "Application for Special Permit Removal of Earth Products Renewal" from LLEC Inc, regarding Map 23 Parcel 7, the Planning Board offers the following comments:

1. This parcel is entirely within the "Light Industry 2" district.
2. This parcel falls within the Water Resource Protection overlay district. (See the Lancaster Zoning Overlay Map.) Refer to Lancaster Zoning Bylaws under 220-39 for the permitted and prohibited uses in this district. Prohibited use (h) is: "Earth, removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within six feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works." The Planning Board recommends that before issuing the permit you request that the applicant present a plan showing the depth of groundwater at the site: assure that the applicant is aware of the depth of groundwater and will not remove products within six feet of groundwater.
3. The application does include an estimate for "Cost for erosion control, grading, seeding or reclamation" and does not list a required bond. The Planning Board recommends that you require a bond for grading, seeding and reclamation required by our Earth Products Removal bylaws to protect against the possibility that the new permit might expire without renewal and without those requirements having been met. Although neither the applicant nor town may anticipate any such issues, this protects the town against that risk.

In discussion among our board, certain members thought the remediation mentioned in item 3 may already be complete on this site.

Thank you for the opportunity to comment on this application.

On behalf of the Lancaster Planning Board,



Russell W. Williston, Chair



TOWN OF LANCASTER
OFFICE OF THE Select Board

DEPARTMENT COMMENT FORM

DEPARTMENT/BOARD NAME: Collector / Treasurer

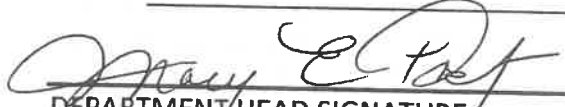
Applicant: LLEC, Inc.

Requests: Application for Special Permit Removal of Earth Products Renewal

Location: 139 Greenland Road, Sterling, MA 01566

COMMENTS: No comments parcel 23-7

DATE: 6-30-21


DEPARTMENT HEAD SIGNATURE

NOTE: IF A CODE VIOLATION EXISTS, PLEASE CITE THE RULE OR REGULATION.



**TOWN OF LANCASTER
OFFICE OF THE Select Board**

DEPARTMENT COMMENT FORM

DEPARTMENT/BOARD NAME: Lancaster Police Department

Applicant: LLEC, Inc.

Requests: Application for Special Permit Removal of Earth Products Renewal

Location: 139 Greenland Road, Sterling, MA 01566

COMMENTS: no comment

DATE: June 29, 2021

Everett L. Moody
DEPARTMENT HEAD SIGNATURE

NOTE: IF A CODE VIOLATION EXISTS, PLEASE CITE THE RULE OR REGULATION.

LLEC, INC.



**TOWN OF LANCASTER, MASSACHUSETTS
BOARD OF SELECTMEN
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

In accordance with Article 12 of the Zoning Bylaws, the Board of Selectmen hereby grants to the Applicant a Special Permit to remove earth products, subject to the conditions noted herein.

Name of Applicant/Grantee: James Simpson

Address of Applicant/Grantee: 139 Greenland Road, Sterling, MA 01566

Company Name: LLEC, Inc.

Company Address: 139 Greenland Road, Sterling, MA 01566

Permit Issue Date: August 20, 2016

Permit Expiration Date: August 20, 2018

Conditions:

1. Description of Area: All earth removal and related site work shall be in accordance with the approved Earthen Products Removal plans for Gravel Removal Special Permit, dated July 2012, as prepared by Andrysick Land Surveying, and as modified by the terms and conditions of this Special Permit. Also, modifications to the plans for the Central Excavation portion of the site, as notated on the Notice of Intent Plans dated July 31, 2012, and in agreement with the resulting Conservation Commission Hearing of August 21, 2012 have become conditions of this permit.
2. The site shall be restored with a minimum depth of nine inches of loam which shall be capable of supporting grass growth unless the applicant can document a lesser amount pre-exists on site, in which case the applicant will be responsible for the lesser amount. The site shall be restored upon completion of the earth removal authorized by this special permit. The area shall be hydroseeded and the planted area shall be protected from erosion during the establishment period using sound conservation practices. Areas that wash out shall be repaired immediately. Trees or shrubs of prescribed species shall be planted to provide screening and reduce erosion during the establishment period.
3. No top or subsoil shall be removed from the site. An estimated 5,000 cubic yards will be stripped from the site, but due to the ongoing restoration program, less than 1,000 cubic yards will be stockpiled at any one time. Estimated amount of earth products to be removed is 395, 700 cubic yards.



**TOWN OF LANCASTER, MASSACHUSETTS
BOARD OF SELECTMEN
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

4. Provisions for dust control shall be in place prior to commencement of the earth removal operations. Abutting public right-of-ways and abutters shall be kept clear of construction debris and dust.
5. Dust Control measures shall be undertaken as specified in the approved plans.
6. Active work areas shall be limited to five (5) acre parcels in each of the Northern and Central Excavations, in accordance with the approved phasing plans.
7. At least two (2) of the five (5) acres shall be restored before work commences (including building haul roads) on the subsequent phases. All restoration work shall be completed within 30 days after expiration of a permit or upon cessation of operations within any phase.
8. A maximum slope of three foot horizontal to one foot vertical (3:1) is required; 4:1 within any buffer zone of a resource area as shown on the approved plans.
9. The hours and days for which trucks are allowed to remove earth materials from the site shall be limited to 7:00 am – 4:30 pm Monday through Friday and 8:00 am – Noon on Saturdays, except for Federal and State Holidays. Alteration of this time schedule may be accomplished only by prior approval of the Board of Selectmen.
10. All entrances to the facility shall be gated and locked to prevent unauthorized entry during non-working hours. Proper signage must also be posted within the site to advise drivers of site conditions. Truck entering signs shall also be erected along the abutting right-of-ways to warn motorists of truck traffic from the site.
11. Truck trips from the site shall not exceed 32 (loads) within any given day. Alteration of this trip schedule may be accomplished only by prior approval of the Board of Selectmen based upon an approved traffic management plan approved by the Chief of Police.
12. A minimum of two (2) groundwater-monitoring wells shall be installed. Groundwater levels shall be checked on a quarterly basis and data provided to the Town. A minimum depth to groundwater separation of 6-feet shall be maintained at all times. Areas which fall within the Town's water resource overlay district shall maintain a minimum depth to groundwater separation of 10-feet. Two respective monitoring wells shall be installed in the following locations:
 - a. Near the southernmost extent of the Central Excavation approximate to the intersection of the 200' riparian zone buffer and the Zone II wellhead protection buffer



**TOWN OF LANCASTER, MASSACHUSETTS
BOARD OF SELECTMEN
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

- b. Near the southeastern corner of the Central Excavation approximate to the location of the 100' wetland buffer and the 200' riparian zone.
13. Provide a minimum of three (3) permanent benchmarks with elevations for each active phase of the operation.
14. The land shall be left so that natural storm drainage leaves the property at the original natural drainage points and so that the total discharge at peak flow, and the area of drainage at anyone point, is not increased, and so that the hydrograph of any post-development receiving body of water is the same as that of the pre-development hydrograph per the approved plans.
15. No stumps shall be buried on-site.
16. A Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account in the amount of \$50,000 shall be provided to the Town prior to commencement of any work authorized under this special permit in order to secure compliance with the terms and conditions hereof. The Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account shall remain in effect during the term of the Special Permit.
17. The excavations, fills or side cuts shall be set back a minimum of one hundred (100) feet from the abutter's property lines or public right-of-way. The following exceptions apply:
- a. The 100-foot buffer is waived for the western portion of the site which abuts the existing earth removal operation in Leominster in order to provide access to the LLEC, Inc. site.
18. No areas should be excavated so as to cause accumulation of standing water. Excavation areas shall be graded to provide positive drainage in accordance with the approved stormwater management plan.
19. Agent(s) assigned by the Board of Selectmen shall conduct inspections. All costs for outside consultant services used for inspection purposes shall be paid for by the permit holder. Funds shall be deposited into a Consultant Review Account. Inspections shall be scheduled on a semiannual basis and at other times as needed.
20. Recommendations for permit compliance cited in inspection reports shall be addressed by the Applicant before the next subsequent inspection, or the permit may be subject to revocation by the Board of Selectmen following a hearing.
21. Separate from the normal permit renewal process, the Applicant shall remain vigilant in renewals of local and federal stormwater and wetlands permits for the facility so that current permits do not expire while operation of the facility continues.



**TOWN OF LANCASTER, MASSACHUSETTS
BOARD OF SELECTMEN
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

22. If any conditions of this permit are violated, the permit is subject to revocation by the Board of Selectmen following a hearing.
23. This permit shall not be assigned to any other person other than the person or entity named herein, unless authorized in writing by the Board of Selectmen.
24. By exercising this special permit, the permit holder agrees to permit reasonable access onto the subject premises by the agents and employees of the Lancaster Board of Selectmen for inspection purposes consistent with the requirements of Condition 19.
25. By exercising this special permit, the permit holder agrees that he will not excavate in such a manner as to leave dangerous and unsightly conditions on the premises as a result of the excavation.

Date of Public Hearing and Continuances: N/A

Location of Hearing(s): N/A

Notice of Hearing, Names of newspapers: *The Lancaster Times-*_____ ; *The Clinton Item -*
_____.

Date of Public Notice: N/A

Certified List of Abutters: N/A

DECISION FINDINGS:

With respect to the Special Permit, the Board finds, after soliciting and reviewing comments from other Town boards, departments, agencies, staff, and interested persons that reasonable measures have been or will be taken to:

- (a) Ensure that all requirements applicable to the special permit are fulfilled;
- (b) That the specific site is an appropriate location for the uses proposed;
- (c) That there is safe access from roads adequate for the traffic expected, adequate parking is provided and internal circulation is adequate for emergency vehicles;




**TOWN OF LANCASTER, MASSACHUSETTS
BOARD OF SELECTMEN
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

- (d) That the Board of Health requirements for water and sanitation arrangements will be followed;
- (e) That the use as developed and operated will not adversely affect the neighborhood;
- (f) That the purposes of the Bylaw are substantially met.

The Board of Selectmen, the Permitting Authority, hereby grants this Permit on behalf of the Town of Lancaster.

BOARD OF SELECTMEN:


_____, Chairperson
Stanley B. Starr, Jr.

Date: Sept 19, 2016

32-3440-11-03
May 18, 2021

Orlando Pacheco, Town Administrator
Town of Lancaster
695 Main Street, Suite 1
Lancaster, MA 01523

Re: **LLEC, Inc.**
Special Permit to Remove Earth Products
April 2021 – Biannual Inspection

To Whom It May Concern:

As stipulated in the Special Permit to Remove Earth Products issued to LLEC, Inc., the spring biannual site inspection was conducted on Friday, April 9, 2021. Kayla Larson of Tighe & Bond, Inc. was on-site to inspect the facility with respect to the operational requirements specified in the most recent permit effective between August 20, 2016 and August 20, 2018. Jim Simpson of LLEC, Inc. was available for comment via phone call during inspection. A report of field inspection observations is attached.

Current Activities

No excavation activities were being performed at the time of inspection.

Inspection Observations

It appears that the approximate elevation of the base of the Central Excavation remains at an elevation of approximately 320 feet. Since the previous biannual inspection, the recently reclaimed portions of the Central Excavation limits have continued to establish vegetation. The site continues to be used for stockpiling of materials.

Groundwater separation appeared to be in compliance, based on measurements obtained from both groundwater monitoring wells that were installed in the Central Excavation area.

The Northern Excavation appeared to remain at an elevation of approximately 315 feet. This estimate was based on a benchmark elevation established by Andrysick Land Surveying at Well A within the excavation area. Well A is flush with the ground and could not be located during the inspection due to the heavy vegetation that covered the area. No active excavation is occurring within the Northern Excavation and it is primarily being used as an area for stockpiling.

Multiple stormwater controls including berms around the site, sediment catching fore-bays, and silt fencing/haybales appeared to be still in place.

Evidence of recent ATV activity was not noted at the time of inspection. Historical attempts to discourage their activity by way of a locking gate and signage have been unsuccessful, as the ATV's find alternate routes into the facility. Jim Simpson will have to continue to remain vigilant in maintaining reclaimed portions of the facility for the duration of the EPR permitting period.

Corrective Actions

There were no corrective actions noted during this quarterly inspection.



The continued operation of the facility appears to be in general conformance with the Special Permit to Remove Earth Products, effective August 20, 2016 to August 20, 2018.

The current permit is expired, and a Special Permit renewal is required. Requests have been made for a permit renewal at each of the 4 biannual inspections of 2019 and 2020.

The next biannual inspection is scheduled for September 2021.

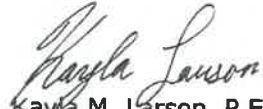
If you have any questions, please contact me at (508) 471-9610 or KMLarson@TigheBond.com or Antonio J. da Cruz at (508) 471-9617 or AJDaCruz@TigheBond.com.

Sincerely,

TIGHE & BOND, INC.



Antonio J. da Cruz, P.E.
Vice President



Kayla M. Larson, P.E.
Project Engineer

Enclosures

Copy: Lancaster Board of Selectmen (w/encl)
Tony Zahariadis, Interim Building Commissioner (w/encl)
James Simpson, LLEC, Inc. (w/encl)
File (w/encl)

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Town of Lancaster, Massachusetts
Special Permit to Remove Earth Products
Inspection Form

Facility: LEEC
Inspection Date: 4/9/2021
Inspector: KML

Earth Removal Operation is in Permit Compliance Y N

Contact: Jim Simpson
LEEC, Inc.
139 Greenland Road
Sterling, MA 01564
(978) 479-8542

Active Cell: NONE

Depth of Excavation: ~320' Comment: NO CHANGE

Description of Current Activities:

SITE MOSTLY BEING UTILIZED FOR STOCKPILING.

NO SIGNIFICANT EXCAVATION ON SITE
SINCE THE PREVIOUS INSPECTIONS.

Dust Issues? Y N If yes, comment:

SAND ON SITE WAS DRY; BUT MINIMAL
TRAFFIC IN & OUT OF SITE.

Dust Control Measures In Place:

Erosion and or Stormwater Issues? Y N If yes, comment:

Erosion and Stormwater Control Measures In Place:

SITE IS BERMED AND SWALE IN PLACE.
SURFACE RUNOFF DIRECTED TO CONSTRUCTED WETLAND.

Town of Lancaster, Massachusetts
 Special Permit to Remove Earth Products
 Inspection Form

Facility: LLCC
 Inspection Date: 4/9/2021
 Inspector: KML

Site Security Issues? Y N If yes, comment:

Site Security Measures In Place:

LOCKING GATE + SIGNAGE IN PLACE.

Groundwater Separation Compliance? Y N Comments:

NO ACTIVE EXCAVATION OCCURRING IN AREA OF WELL A - WELL COULD NOT BE LOCATED.

COULD NOT LOCATE WELL C DUE TO VEGETATION.
 NO EXCAVATION OCCURRING ON SITE.

GW Well #		Measured Depth to GW:	Well Elevation
A		CNL	318.64
B		8.80' (DRY)	328.84
C		CNL	326.04

SITE RESTORATION

Restored Grades in Compliance Y N If no, comment:

RECLAIMED AREAS CONTINUE TO SEE GROWTH.

Depth of Loam: 7

Vegetation Established? YES

Town of Lancaster, Massachusetts
Special Permit to Remove Earth Products
Inspection Form

Facility: LLRC
Inspection Date: 4/9/2021
Inspector: KML

Other Comments:

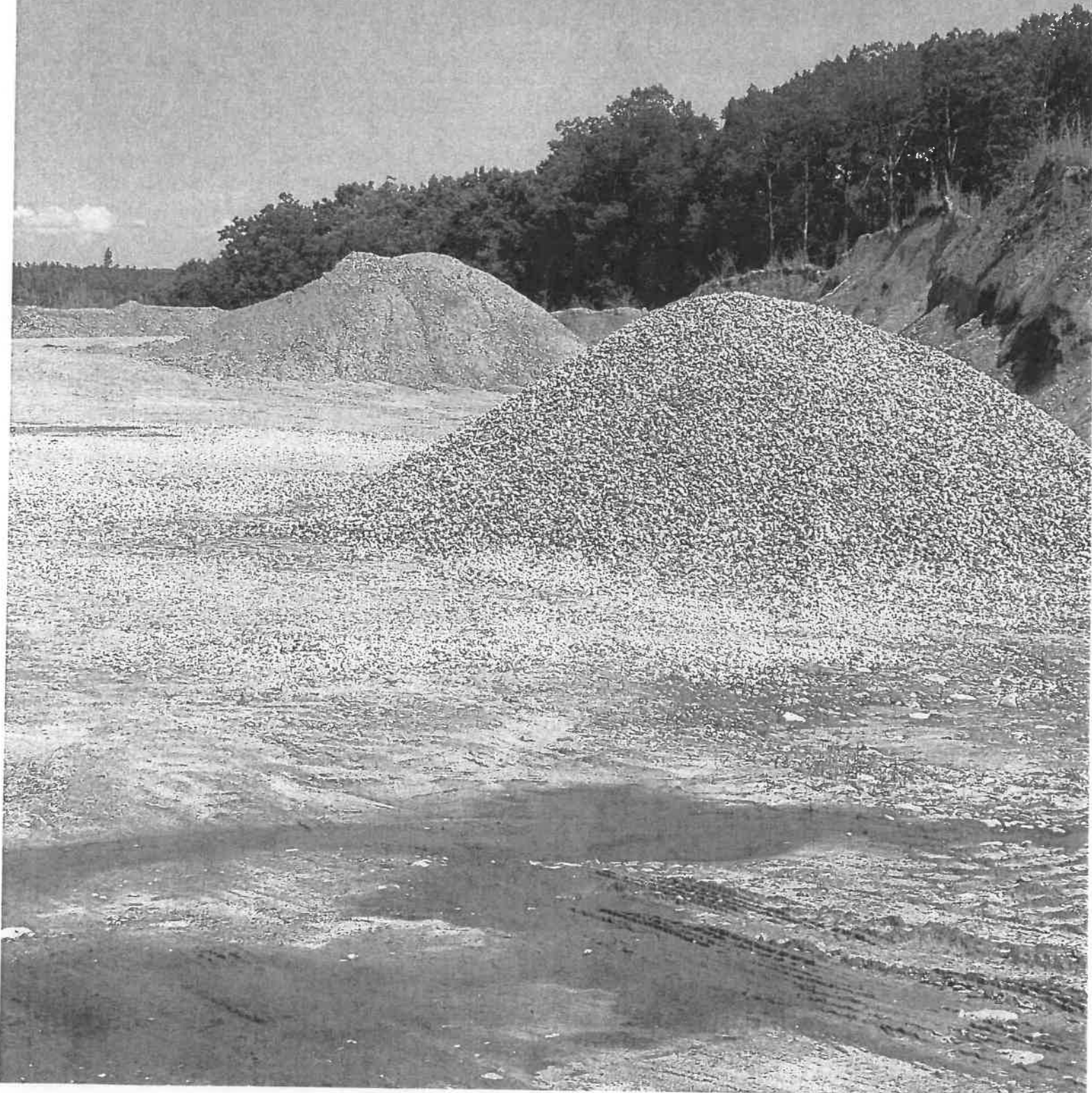
NEW PERMIT RENEWAL REQUIRED.

JIM SIMPSON AVAILABLE FOR RESPONSE
DURING INSPECTION.

LLEC



LLEC



32-3440-11-03
November 13, 2020

Orlando Pacheco, Town Administrator
Town of Lancaster
695 Main Street, Suite 1
Lancaster, MA 01523

Re: **LLEC, Inc.**
Special Permit to Remove Earth Products
September 2020 – Biannual Inspection

To Whom It May Concern:

As stipulated in the Special Permit to Remove Earth Products issued to LLEC, Inc., the September biannual site inspection was conducted on Monday, , 2020. Kayla Larson-Dubois of Tighe & Bond, Inc. was on-site to inspect the facility with respect to the operational requirements specified in the most recent permit effective between August 20, 2016 and August 20, 2018. A report of field inspection observations is attached.

Current Activities

No excavation activities were being performed at the time of inspection.

Inspection Observations

It appears that the approximate elevation of the base of the Central Excavation remains at an elevation of approximately 320 feet. Since the previous biannual inspection, the recently reclaimed portions of the Central Excavation limits have continued to establish vegetation.

Groundwater separation appeared to be in compliance, based on measurements obtained from both groundwater monitoring wells that were installed in the Central Excavation area.

The Northern Excavation appeared to remain at an elevation of approximately 315 feet. This estimate was based on a benchmark elevation established by Andrysick Land Surveying at Well A within the excavation area. Well A is flush with the ground and could not be located during the inspection due to the heavy vegetation that covered the area. No active excavation is occurring within the Northern Excavation and it is primarily being used as an area for stockpiling.

Multiple stormwater controls including berms around the site, sediment catching fore-bays, and silt fencing/haybales appeared to be still in place.

Evidence of recent ATV activity was noted at the time of inspection but did not appear to be recent. Historical attempts to discourage their activity by way of a locking gate and signage have been unsuccessful, as the ATV's find alternate routes into the facility. Jim Simpson will have to continue to remain vigilant in maintaining reclaimed portions of the facility for the duration of the EPR permitting period.

Corrective Actions

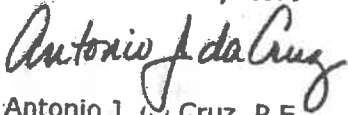
There were no corrective actions noted during this quarterly inspection.

The continued operation of the facility appears to be in general conformance with the Special Permit to Remove Earth Products. The current Special Permit to Remove Earth Products expired on August 20, 2018. A Special Permit renewal is required. The next biannual inspection is scheduled for March 2020 pending permit renewal.

If you have any questions, please contact me at (508) 471-9610 or KMLarson@TigheBond.com or Antonio J. da Cruz at (508) 471-9617 or AJDaCruz@TigheBond.com.

Sincerely,

TIGHE & BOND, INC.



Antonio J. da Cruz, P.E.
Vice President



Kayla M. Larson-Dubois, P.E.
Project Engineer

Enclosures

Copy: Lancaster Board of Selectmen (w/encl)
Tony Zahariadis, Interim Building Commissioner (w/encl)
James Simpson, LLEC, Inc. (w/encl)
File (w/encl)

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Town of Lancaster, Massachusetts
Special Permit to Remove Earth Products
Inspection Form

Facility: LLEC, INC.
Inspection Date: 9/21/2020
Inspector: KML

Earth Removal Operation is in Permit Compliance Y N

Contact: Jim Simpson
LLEC, Inc.
139 Greenland Road
Sterling, MA 01564
(978) 479-8542

Active Cell: NONE

Depth of Excavation: ~320' Comment: NO CHANGE

Description of Current Activities:

NO SIGNIFICANT EXCAVATIONS ON SITE
SINCE THE MARCH 2020 INSPECTION.
STOCKPILES CONTINUE TO BE UTILIZED
ON SITE, ONE TRUCK LOADED DURING
INSPECTION.

Dust Issues? Y N If yes, comment:

Dust Control Measures In Place:

NONE NEEDED.

Erosion and or Stormwater Issues? Y N If yes, comment:

Erosion and Stormwater Control Measures In Place:

SITE IS BERMED AND SWALE IN PLACE.
SURFACE RUNOFF DIRECTED TO CONSTRUCTED WETLAND.

Site Security Issues? Y N If yes, comment:

SOME ATV TRACKS NOTED, BUT DID NOT APPEAR TO BE RECENT

Site Security Measures In Place:

LOCKING GATE + SIGNAGE IN PLACE.

Groundwater Separation Compliance? Y N Comments:

WELL A W/ N NORTHERN EXCAVATION NOT LOCATED, BUT NO ACTIVE WORK IN THAT AREA.

COULD NOT LOCATE WELL C DUE TO VEGETATION, NO ACTIVE EXCAVATION OCCURRING.

GW Well #		Measured Depth to GW:	Well Elevation
A		CNL	318.64
B		8.90' (024)	328.84
C		CNL	326.04

SITE RESTORATION

Restored Grades in Compliance Y N If no, comment:

RECLAIMED AREAS CONTINUE TO SEE VEGETATIVE GROWTH.

Depth of Loam: _____

Vegetation Established? YES

**Town of Lancaster, Massachusetts
Special Permit to Remove Earth Products
Inspection Form**

Facility: LLRC INC
Inspection Date: 9/21/2020
Inspector: KML

Other Comments:

NEW PERMIT RENEWAL REQUIRED.

Town of Lancaster, Massachusetts
Special Permit to Remove Earth Products
Inspection Form

Facility: LLEC, INC
Inspection Date: 3/27/2020
Inspector: KML

Earth Removal Operation is in Permit Compliance Y N

Contact: Jim Simpson
LLEC, Inc.
139 Greenland Road
Sterling, MA 01564
(978) 479-8542

Active Cell: _____

Depth of Excavation: ~3' 20"

Comment: NO CHANGE

Description of Current Activities:

NO SIGNIFICANT EXCAVATIONS HAVE OCCURRED SINCE THE SEPTEMBER 2019 INSPECTION.

STOCKPILES REMAIN ON SITE.

Dust Issues? Y N If yes, comment:

Dust Control Measures In Place:

NONE NEEDED

Erosion and or Stormwater Issues? Y N If yes, comment:

Erosion and Stormwater Control Measures In Place:

SHE IS BERMED + SWALE STILL IN PLACE.
SURFACE RUNOFF DIRECTED TO CONSTRUCTED WETLAND

Town of Lancaster, Massachusetts
Special Permit to Remove Earth Products
Inspection Form

Facility: WRC, INC.
Inspection Date: 3/27/20
Inspector: KML

Site Security Issues? Y N If yes, comment:

SOME ATV & OFF ROAD BIKE TRACKS WERE OBSERVED

Site Security Measures In Place:

LOCKING GATE + SIGNAGE IN PLACE

Groundwater Separation Compliance? Y N Comments:

TOP OF WELL A WITHIN THE NORTHERN EXCAVATION NOT LOCATED - NO ACTIVE WORK IN NORTHERN AREA.

WELL C COULD NOT BE LOCATED ON PERIMETER OF EXCAVATION - BUT NO ACTIVE EXCAVATIONS CURRENTLY.

GW Well #	Measured Depth to GW:	ELEV.
A	CNL	318.64
B	8' 90" (DRY)	328.84
C	CNL	326.04

SITE RESTORATION

Restored Grades in Compliance Y N If no, comment:

RECENT PLANTS CONTINUE TO SHOW SIGNS OF GROWTH

Depth of Loam:

Vegetation Established? YES

Town of Lancaster, Massachusetts
Special Permit to Remove Earth Products
Inspection Form

Facility: LEE, INC
Inspection Date: 3/27/20
Inspector: KML

Other Comments:

NONE

32-3440-11-03
June 15, 2020

Orlando Pacheco, Town Administrator
Town of Lancaster
695 Main Street, Suite 1
Lancaster, MA 01523

Re: **LLEC, Inc.**
Special Permit to Remove Earth Products
March 2020 – Biannual Inspection

RECEIVED
JUN 22 2020
Board of Selectmen

To Whom It May Concern:

As stipulated in the Special Permit to Remove Earth Products issued to LLEC, Inc., the September biannual site inspection was conducted on Friday, March 27, 2020. Kayla Larson-Dubois of Tighe & Bond, Inc. was on-site to inspect the facility with respect to the operational requirements specified in the most recent permit effective between August 20, 2016 and August 20, 2018. A report of field inspection observations is attached.

Current Activities

No excavation activities were being performed at the time of inspection.

Inspection Observations

It appears that the approximate elevation of the base of the Central Excavation remains at an elevation of approximately 320 feet. Since the previous biannual inspection, the recently reclaimed portions of the Central Excavation limits have continued to establish vegetation.

Groundwater separation appeared to be in compliance, based on measurements obtained from both groundwater monitoring wells that were installed in the Central Excavation area.

The Northern Excavation appeared to remain at an elevation of approximately 315 feet. This estimate was based on a benchmark elevation established by Andrysick Land Surveying at Well A within the excavation area. Well A is flush with the ground and could not be located during the inspection due to the heavy vegetation that covered the area. No active excavation is occurring within the Northern Excavation and it is primarily being used as an area for stockpiling.

Multiple stormwater controls including berms around the site, sediment catching fore-bays, and silt fencing/haybales appeared to be still in place.

Evidence of recent ATV activity was noted at the time of inspection. Historical attempts to discourage their activity by way of a locking gate and signage have been unsuccessful, as the ATV's find alternate routes into the facility. Jim Simpson will have to continue to remain vigilant in maintaining reclaimed portions of the facility for the duration of the EPR permitting period.

Corrective Actions

There were no corrective actions noted during this quarterly inspection.

The continued operation of the facility appears to be in general conformance with the Special Permit to Remove Earth Products. The current Special Permit to Remove Earth Products expired on August 20, 2018. A Special Permit renewal is required. The next biannual inspection is scheduled for Sepmteber 2020 pending permit renewal.

If you have any questions, please contact me at (508) 471-9610 or KMLarson@TigheBond.com or Antonio J. da Cruz at (508) 471-9617 or AJDaCruz@TigheBond.com.

Sincerely,

TIGHE & BOND, INC.



Antonio J. da Cruz, P.E.
Vice President



Kayla M. Larson-Dubois, P.E.
Project Engineer

Enclosures

Copy: Lancaster Board of Selectmen (w/encl)
Tony Zahariadis, Interim Building Commissioner (w/encl)
James Simpson, LLEC, Inc. (w/encl)
File (w/encl)

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**TOWN OF LANCASTER, MASSACHUSETTS
SELECT BOARD**

NOTICE OF DECISION

Notice is hereby given that the Lancaster Select Board has granted a Special Permit to LLEC Inc., 139 Greenland Ave., Sterling, MA 01564, affecting the rights of the owner/applicant with respect to the use of land identified on Lancaster Assessor's Map 23, Parcel 7, said property being the premises described by deed recorded in the Worcester District Registry of Deeds at Book 32432, Page 312.

The Select Board further certifies that the decision attached hereto is a true and correct copy and that the decision and all plans referred to therein have been filed with the Lancaster Town Clerk and Planning Board.

No permit or other relief granted by this decision shall take effect until the decision has been certified by the Town Clerk to be final by written endorsement hereon, and this decision is recorded at the applicant's expense in the Worcester District Registry of Deeds, indexed in the grantor index under the name of the record owner.

ANY APPEAL FROM THE DECISION OF THE BOARD MUST BE FILED IN COURT PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 17 AND NOTICE THEREOF FILED WITH THE TOWN CLERK WITHIN TWENTY (20) DAYS AFTER THIS DECISION IS FILED WITH THE TOWN CLERK.

The rights granted by this decision must be exercised, and in the case of a permit to construct, construction must commence within the time specified by M.G.L. c. 40A or the rights shall lapse unless extended or renewed. Special permits shall be exercised within two (2) years unless a shorter duration is specified.

Certified this ___ day of August, 2021

LANCASTER SELECT BOARD:

Jason A. Allison, *Chair*

TOWN CLERK CERTIFICATE

This is to certify that twenty (20) days have elapsed after the date that the Decision was filed with the Town Clerk and no notice of appeal has been filed there from; or, in the case of an appeal having been so filed, the Town Clerk has received notice that said appeal has been finally dismissed or denied.

Lancaster Town Clerk

Date: _____

REGISTRY OF DEEDS

_____, _____ at ____ o'clock and __ minutes __.M. Received and entered with the Register of Deeds in the County of Worcester, as instrument number _____, Book _____, Page .

ATTEST

Register of Deeds

DECISION AND PROCEEDINGS

In accordance with the Town of Lancaster Zoning Bylaws, the Select Board hereby grants to the Applicant a Special Permit to Remove Earth Products, subject to the conditions noted herein.

Name of Applicant/Grantee: LLEC, Inc.

Address of Applicant/Grantee: 139 Greenland Road, Sterling, MA 01564

Locus: Westerly of I-190 and 700' easterly from the intersection with Jungle Road, Leominster.

Assessors Reference: Map 23, Parcel 7

Deed Reference: Worcester District Registry of Deeds at Book 32432, Page 312.

Application Received: May 26, 2021

Date of Public Hearing and Continuances: Hearing opened on July 19, 2021 was continued on August 2, 2021. The hearing, which was convened following publication, posting and notice to parties in interest, pursuant to the provisions of G.L. c. 40A, §11, was opened by the Chairman at 6:15 PM. The following Board Members noted as present were in attendance throughout the hearing:

Chairman: Jason A. Allison
Clerk: Jay M. Moody
Member: Alexandra W. Turner

Hearing Location: via ZOOM™

Notice of Hearing, Names of newspapers: *The Clinton Item – 7/2/2021 and 7/9/2021.*

Date of Public Notice: July 19, 2021

Certified List of Abutters: Attached.

Permit Effective Date: August 20, 2018

Permit Expiration Date: August 20, 2020

Permit Conditions:

1. Description of Area: All earth removal and related site work shall be in accordance with the approved Earthen Products Removal plans for Gravel Removal Special Permit, dated July 2012, as prepared by Andrysick Land Surveying, and as modified by the terms and conditions of this Special Permit. Also, modifications to the plans for the Central Excavation portion of the site, as notated on the Notice of Intent Plans dated July 31, 2012, and in agreement with the resulting Conservation Commission Hearing of August 21, 2012 have become conditions of this permit.
2. The site shall be restored with a minimum depth of nine inches of loam which shall be capable of supporting grass growth unless the applicant can document a lesser amount pre-exists on site, in which case the applicant will be responsible for the lesser amount. The site shall be restored upon completion of the earth removal authorized by this special permit. The area shall be hydroseeded and the planted area shall be protected from erosion during the establishment period using sound conservation practices. Areas that wash out shall be repaired immediately. Trees or shrubs of prescribed species shall be planted to provide screening and reduce erosion during the establishment period.
3. No top or subsoil shall be removed from the site. An estimated 5,000 cubic yards will be stripped from the site, but due to the ongoing restoration program, less than 1,000 cubic yards will be stockpiled at any one time. Estimated amount of earth products to be removed is 395,700 cubic yards.
4. Provisions for dust control shall be in place prior to commencement of the earth removal operations. Abutting public right-of-ways and abutters shall be kept clear of construction debris and dust.
5. Dust Control measures shall be undertaken as specified in the approved plans.
6. Active work areas shall be limited to five (5) acre parcels in each of the Northern and Central Excavations, in accordance with the approved phasing plans.
7. At least two (2) of the five (5) acres shall be restored before work commences (including building haul roads) on the subsequent phases. All restoration work shall be completed within 30 days after expiration of a permit or upon cessation of operations within any phase.
8. A maximum slope of three foot horizontal to one foot vertical (3:1) is required; 4:1 within any buffer zone of a resource area as shown on the approved plans.
9. The hours and days for which trucks are allowed to remove earth materials from the site shall be limited to 7:00 am – 4:30 pm Monday through Friday and 8:00 am – Noon on Saturdays, except for Federal and State Holidays. Alteration of this time schedule may be accomplished only by prior approval of the Select Board.
10. All entrances to the facility shall be gated and locked to prevent unauthorized entry during non-working hours. Proper signage must also be posted within the site to advise drivers of site conditions. Truck entering signs shall also be erected along the abutting right-of-ways to warn motorists of truck traffic from the site.

11. Truck trips from the site shall not exceed 32 (loads) within any given day. Alteration of this trip schedule may be accomplished only by prior approval of the Select Board based upon an approved traffic management plan approved by the Chief of Police.
12. A minimum of two (2) groundwater-monitoring wells shall be installed. Groundwater levels shall be checked on a quarterly basis and data provided to the Town. A minimum depth to groundwater separation of 6-feet shall be maintained at all times. Areas which fall within the Town's water resource overlay district shall maintain a minimum depth to groundwater separation of 10-feet. Two respective monitoring wells shall be installed in the following locations:
 - a. Near the southernmost extent of the Central Excavation approximate to the intersection of the 200' riparian zone buffer and the Zone II wellhead protection buffer
 - b. Near the southeastern corner of the Central Excavation approximate to the location of the 100' wetland buffer and the 200' riparian zone.
13. Provide a minimum of three (3) permanent benchmarks with elevations for each active phase of the operation.
14. The land shall be left so that natural storm drainage leaves the property at the original natural drainage points and so that the total discharge at peak flow, and the area of drainage at anyone point, is not increased, and so that the hydrograph of any post-development receiving body of water is the same as that of the pre-development hydrograph per the approved plans.
15. No stumps shall be buried on-site.
16. A Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account in the amount of \$50,000 shall be provided to the Town prior to commencement of any work authorized under this special permit in order to secure compliance with the terms and conditions hereof. The Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account shall remain in effect during the term of the Special Permit.
17. The excavations, fills or side cuts shall be set back a minimum of one hundred (100) feet from the abutter's property lines or public right-of-way. The following exceptions apply:
 - a. The 100-foot buffer is waived for the western portion of the site which abuts the existing earth removal operation in Leominster in order to provide access to the LLEC, Inc. site.
18. No areas should be excavated so as to cause accumulation of standing water. Excavation areas shall be graded to provide positive drainage in accordance with the approved stormwater management plan.
19. Agent(s) assigned by the Select Board shall conduct inspections. All costs for outside consultant services used for inspection purposes shall be paid for by the permit holder. Funds shall be deposited into a Consultant Review Account. Inspections shall be scheduled on an annual basis and at other times as needed.
20. Recommendations for permit compliance cited in inspection reports shall be addressed by the Applicant before the next subsequent inspection, or the permit may be subject to revocation by the Select Board following a hearing.

21. Separate from the normal permit renewal process, the Applicant shall remain vigilant in renewals of local and federal stormwater and wetlands permits for the facility so that current permits do not expire while operation of the facility continues.
22. If any conditions of this permit are violated, the permit is subject to revocation by the Select Board following a hearing.
23. This permit shall not be assigned to any other person other than the person or entity named herein, unless authorized in writing by the Select Board.
24. By exercising this special permit, the permit holder agrees to permit reasonable access onto the subject premises by the agents and employees of the Lancaster Select Board for inspection purposes consistent with the requirements of Condition 19.
25. By exercising this special permit, the permit holder agrees that he will not excavate in such a manner as to leave dangerous and unsightly conditions on the premises as a result of the excavation.

DECISION FINDINGS:

With respect to the Special Permit, the Board finds, after soliciting and reviewing comments from other Town boards, departments, agencies, staff, and interested persons that reasonable measures have been or will be taken to:

- (a) Ensure that all requirements applicable to the special permit are fulfilled;
- (b) That the specific site is an appropriate location for the uses proposed;
- (c) That there is safe access from roads adequate for the traffic expected, adequate parking is provided and internal circulation is adequate for emergency vehicles;
- (d) That the Board of Health requirements for water and sanitation arrangements will be followed;
- (e) That the use as developed and operated will not adversely affect the neighborhood;
- (f) That the purposes of the Bylaw are substantially met.

LLEC, INC.



**TOWN OF LANCASTER, MASSACHUSETTS
SELECT BOARD
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

In accordance with Article 12 of the Zoning Bylaws, the Select Board hereby grants to the Applicant a Special Permit to remove earth products, subject to the conditions noted herein.

Name of Applicant/Grantee: James Simpson

Address of Applicant/Grantee: 139 Greenland Road, Sterling, MA 01566

Company Name: LLEC, Inc.

Company Address: 139 Greenland Road, Sterling, MA 01566

Permit Issue Date: August 20, 2018

Permit Expiration Date: August 20, 2020

Conditions:

1. **Description of Area:** All earth removal and related site work shall be in accordance with the approved Earthen Products Removal plans for Gravel Removal Special Permit, dated July 2012, as prepared by Andrysick Land Surveying, and as modified by the terms and conditions of this Special Permit. Also, modifications to the plans for the Central Excavation portion of the site, as notated on the Notice of Intent Plans dated July 31, 2012, and in agreement with the resulting Conservation Commission Hearing of August 21, 2012 have become conditions of this permit.
2. The site shall be restored with a minimum depth of nine inches of loam which shall be capable of supporting grass growth unless the applicant can document a lesser amount pre-exists on site, in which case the applicant will be responsible for the lesser amount. The site shall be restored upon completion of the earth removal authorized by this special permit. The area shall be hydroseeded and the planted area shall be protected from erosion during the establishment period using sound conservation practices. Areas that wash out shall be repaired immediately. Trees or shrubs of prescribed species shall be planted to provide screening and reduce erosion during the establishment period.
3. No top or subsoil shall be removed from the site. An estimated 5,000 cubic yards will be stripped from the site, but due to the ongoing restoration program, less than 1,000 cubic yards will be stockpiled at any one time. Estimated amount of earth products to be removed is 395, 700 cubic yards.



**TOWN OF LANCASTER, MASSACHUSETTS
SELECT BOARD
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

4. Provisions for dust control shall be in place prior to commencement of the earth removal operations. Abutting public right-of-ways and abutters shall be kept clear of construction debris and dust.
5. Dust Control measures shall be undertaken as specified in the approved plans.
6. Active work areas shall be limited to five (5) acre parcels in each of the Northern and Central Excavations, in accordance with the approved phasing plans.
7. At least two (2) of the five (5) acres shall be restored before work commences (including building haul roads) on the subsequent phases. All restoration work shall be completed within 30 days after expiration of a permit or upon cessation of operations within any phase.
8. A maximum slope of three foot horizontal to one foot vertical (3:1) is required; 4:1 within any buffer zone of a resource area as shown on the approved plans.
9. The hours and days for which trucks are allowed to remove earth materials from the site shall be limited to 7:00 am – 4:30 pm Monday through Friday and 8:00 am – Noon on Saturdays, except for Federal and State Holidays. Alteration of this time schedule may be accomplished only by prior approval of the Select Board.
10. All entrances to the facility shall be gated and locked to prevent unauthorized entry during non-working hours. Proper signage must also be posted within the site to advise drivers of site conditions. Truck entering signs shall also be erected along the abutting right-of-ways to warn motorists of truck traffic from the site.
11. Truck trips from the site shall not exceed 32 (loads) within any given day. Alteration of this trip schedule may be accomplished only by prior approval of the Select Board based upon an approved traffic management plan approved by the Chief of Police.
12. A minimum of two (2) groundwater-monitoring wells shall be installed. Groundwater levels shall be checked on a quarterly basis and data provided to the Town. A minimum depth to groundwater separation of 6-feet shall be maintained at all times. Areas which fall within the Town's water resource overlay district shall maintain a minimum depth to groundwater separation of 10-feet. Two respective monitoring wells shall be installed in the following locations:
 - a. Near the southernmost extent of the Central Excavation approximate to the intersection of the 200' riparian zone buffer and the Zone II wellhead protection buffer



**TOWN OF LANCASTER, MASSACHUSETTS
SELECT BOARD
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

- b. Near the southeastern corner of the Central Excavation approximate to the location of the 100' wetland buffer and the 200' riparian zone.
13. Provide a minimum of three (3) permanent benchmarks with elevations for each active phase of the operation.
 14. The land shall be left so that natural storm drainage leaves the property at the original natural drainage points and so that the total discharge at peak flow, and the area of drainage at anyone point, is not increased, and so that the hydrograph of any post-development receiving body of water is the same as that of the pre-development hydrograph per the approved plans.
 15. No stumps shall be buried on-site.
 16. A Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account in the amount of \$50,000 shall be provided to the Town prior to commencement of any work authorized under this special permit in order to secure compliance with the terms and conditions hereof. The Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account shall remain in effect during the term of the Special Permit.
 17. The excavations, fills or side cuts shall be set back a minimum of one hundred (100) feet from the abutter's property lines or public right-of-way. The following exceptions apply:
 - a. The 100-foot buffer is waived for the western portion of the site which abuts the existing earth removal operation in Leominster in order to provide access to the LLEC, Inc. site.
 18. No areas should be excavated so as to cause accumulation of standing water. Excavation areas shall be graded to provide positive drainage in accordance with the approved stormwater management plan.
 19. Agent(s) assigned by the Select Board shall conduct inspections. All costs for outside consultant services used for inspection purposes shall be paid for by the permit holder. Funds shall be deposited into a Consultant Review Account. Inspections shall be scheduled on a semiannual basis and at other times as needed.
 20. Recommendations for permit compliance cited in inspection reports shall be addressed by the Applicant before the next subsequent inspection, or the permit may be subject to revocation by the Select Board following a hearing.
 21. Separate from the normal permit renewal process, the Applicant shall remain vigilant in renewals of local and federal stormwater and wetlands permits for the facility so that current permits do not expire while operation of the facility continues.



**TOWN OF LANCASTER, MASSACHUSETTS
SELECT BOARD
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

22. If any conditions of this permit are violated, the permit is subject to revocation by the Select Board following a hearing.
23. This permit shall not be assigned to any other person other than the person or entity named herein, unless authorized in writing by the Select Board.
24. By exercising this special permit, the permit holder agrees to permit reasonable access onto the subject premises by the agents and employees of the Lancaster Select Board for inspection purposes consistent with the requirements of Condition 19.
25. By exercising this special permit, the permit holder agrees that he will not excavate in such a manner as to leave dangerous and unsightly conditions on the premises as a result of the excavation.

Date of Public Hearing and Continuances: July 19, 2021 and continued to August 2, 2021

Location of Hearing(s): Via ZOOM™

Notice of Hearing, Names of newspapers: *The Clinton Item*

Date of Public Notice: July 2, 2021 and July 9, 2021

Certified List of Abutters: See attached

DECISION FINDINGS:

With respect to the Special Permit, the Board finds, after soliciting and reviewing comments from other Town boards, departments, agencies, staff, and interested persons that reasonable measures have been or will be taken to:

- (a) Ensure that all requirements applicable to the special permit are fulfilled;
- (b) That the specific site is an appropriate location for the uses proposed;
- (c) That there is safe access from roads adequate for the traffic expected, adequate parking is provided and internal circulation is adequate for emergency vehicles;
- (d) That the Board of Health requirements for water and sanitation arrangements will be followed;



**TOWN OF LANCASTER, MASSACHUSETTS
SELECT BOARD
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

- (e) That the use as developed and operated will not adversely affect the neighborhood;
- (f) That the purposes of the Bylaw are substantially met.

The Select Board, the Permitting Authority, hereby grants this Permit on behalf of the Town of Lancaster.

SELECT BOARD:

_____, *Chair*
Jason A. Allison

Date: _____

Town Administrator Report

TOWN ADMINISTRATOR'S REPORT

8/16/2021

Hazard Mitigation Plan Update

We are starting work on developing a new Hazard Mitigation Plan (HMP) with the assistance of MRPC. We have spoken with our CARES Act liaison and the funding source is appropriate. The Plan will take at least 6 months to complete. The HMP, once approved by the Massachusetts Emergency Management Agency, will also make the Town eligible for a number of federal emergency management/public safety related grant programs. Previously, there was a regional plan developed by MRPC that is not going to be updated. The expected cost will be \$25,000.

Vaccination Clinics

The Town has hosted 2 additional vaccination clinics through the Board of Health. We have vaccinated an additional 60 residents through these clinics. We are continuing to collaborate with the State as well on the mobile vaccination van to provide additional services to any residents, including assisting neighboring towns when available.

Main Street (117) Bridge

Beta Group Inc., our design engineer is close to finalizing the 100% design plans for the Main Street Bridge on 117 (this is located by the Bartlett Pond Recreational Area). A copy of the 25% design is attached. The design will have to be submitted to MassDOT for final approval and a cost estimate put together. The Board and Finance Committee should discuss a financing plan. I did secure a \$500,000 grant for the project. I expect the cost to come in near \$2 million based on the discussions with the engineer; the bridge must meet stream crossing standards which is a cost driver for the project.

ADMINISTRATION, BUDGET AND POLICY

#1

#2

60 § 3A

(b) The collector may issue the bill or notice required by section 3 in electronic form, provided that the electronic bill or notice meets the standards set forth in subsection (a). An electronic bill or notice issued shall be under voluntary programs established by the collector, with the approval of the board of selectmen or mayor, as the case may be. No political subdivision shall require a taxpayer to take part in an electronic billing system or program.

(c) The collector may include in the envelope or electronic message in which a property tax bill is sent those bills or notices for rates, fees and charges assessed by the city or town for water or sewer use, solid waste disposal or collection or electric, gas or other utility services as may be authorized by ordinance or by-law; provided, however, that the bills or notices shall be separate and distinct from the property tax bills. The ordinance or by-law may authorize the collector, upon vote of any municipal water and sewer commission established by the city or town under chapter 40N or by special act, to include bills or notices for rates, fees or charges assessed by the commission for water or sewer use.

(d) The collector may, with the approval of the board of selectmen or mayor, as the case may be, include in the envelope or electronic message in which a property tax bill is sent nonpolitical municipal informational material; provided, however, that if such nonpolitical municipal informational material is mailed, it shall not be included if the material causes an increase in the postage required to mail the tax bill.

(e) The collector may issue an electronic bill or notice for any other tax, excise, betterment or assessment committed by the assessors under a voluntary electronic billing program established for such tax, excise, betterment or assessment in the manner set forth in subsection (b). The electronic bill or notice issued under the program shall meet the standards required by law for such tax, excise, betterment or assessment bills or notices.

Added by St.1934, c. 136, § 1. Amended by St.1936, c. 156; St.1943, c. 166, § 3; St.1943, c. 564, § 1; St.1952, c. 578, § 2; St.1954, c. 444, § 3; St.1965, c. 615, § 3; St.1966, c. 14, § 39; St.1967, c. 757, § 6; St.1969, c. 546, § 17; St.1974, c. 341; St.1974, c. 831, § 5; St.1978, c. 580, § 39; St.1979, c. 797, § 19; St.1983, c. 72, § 6; St.1983, c. 244; St.1987, c. 758, § 6; St.1989, c. 308; St.1990, c. 280, § 2; St.1996, c. 426, § 3; St.2000, c. 159, § 117; St.2010, c. 188, § 54, eff. July 27, 2010; St.2012, c. 139, § 84, eff. July 1, 2012; St.2016, c. 218, § 157, eff. Nov. 7, 2016.

§ 3B. Repealed, 2016, 218, Sec. 158

§ 3C. City or town scholarship fund; donation; deposits; distribution

Any city or town which accepts the provisions of this section or has previously accepted chapter one hundred and ninety-four of the acts of nineteen hundred and eighty-six is hereby authorized, subject to the approval of the commissioner, to design and designate a place on its municipal tax bills, or the motor vehicle excise tax bills, or to mail with such tax bills a separate form, whereby the taxpayers of said city or town can voluntarily check off donate and pledge an amount not less than one dollar or such other designated amount which shall increase the amount otherwise due, and vote to establish a city or town scholarship fund, the purpose of which shall be to provide educational financial aid to deserving city and town residents in accordance with this section or to establish a city or town educational fund, the purpose of which shall be to provide supplemental educational funding for local educational needs or to provide funding for existing adult literacy programs.

Any amounts donated to the scholarship fund or educational fund shall be deposited into a special account in the general treasury and shall be in the custody of the treasurer. The treasurer shall invest said funds at the direction of the officer, board, commission, committee or other agency of the city or town who or which is otherwise authorized and required to invest trust funds of the city or town and subject to the same limitations applicable to trust fund investments, except as otherwise specified herein. Interest earned upon such fund shall remain therewith and shall be used for the purpose of said fund without further appropriation.

In any city or town establishing a scholarship fund or educational fund, there shall be a scholarship committee or educational fund committee which shall consist of the superintendent of the city or town schools or designee, and no fewer than 4 residents of the city or town appointed by the mayor or board of selectmen to a term of 3 years. The scholarship committee or educational fund committee shall select the recipients of and amounts of financial aid from the scholarship fund and educational fund and shall be guided by any criteria established by the scholarship committee or educational fund committee subject to any ordinance or by-law and further subject to the following criteria:

Assessors' Use only
Date Received
Application No.
Parcel Id.

Name of City or Town

LOW INCOME PERSONS - LOW OR MODERATE INCOME SENIORS
FISCAL YEAR _____ APPLICATION FOR COMMUNITY PRESERVATION ACT EXEMPTION
General Laws Chapter 44B

THIS APPLICATION IS NOT OPEN TO PUBLIC INSPECTION
(See General Laws Chapter 44B, § 3 and Chapter 59, § 60)

Return to: Board of Assessors

Must be filed with assessors on or before April 1, or
3 months after actual (not preliminary) tax bills are
mailed for fiscal year if later.

INSTRUCTIONS: Complete all sections. Please print or type.

A. IDENTIFICATION. Complete this section fully.

Name of Applicant _____

Telephone Number _____ Marital Status _____

Were you 60 years or older on January 1, _____? Yes No
If yes and first year of application, please attach copy of birth certificate.

Legal residence (domicile) on January 1, _____
No. Street City/Town Zip Code

Mailing address (if different) _____
No. Street City/Town Zip Code

Location of property: _____ No. of dwelling units: 1 2 3 4 Other _____

Did you own the property on January 1, _____? Yes No
If yes, were you: Sole owner Co-owner with spouse only Co-owner with others

Was the property subject to a trust as of January 1, _____? Yes No
If yes, please attach trust instrument including all schedules.

Have you been granted any exemption in any other city or town (MA or other) for this fiscal year? Yes No
If yes, name of city or town _____ Type of exemption _____

B. SIGNATURE. Sign here to complete the application.

This application has been prepared or examined by me. Under the pains and penalties of perjury, I declare that to the best of my knowledge and belief, the application and all accompanying documents and statements are true, correct and complete.

Signature Date

If signed by agent, attach copy of written authorization to sign on behalf of taxpayer.

YOU MUST ALSO COMPLETE SCHEDULES C - F ON FOLLOWING PAGES

FILING THIS APPLICATION DOES NOT STAY THE COLLECTION OF YOUR SURCHARGE.
TO AVOID INTEREST AND COLLECTION CHARGES, YOU MUST PAY SURCHARGE AS BILLED BY DUE DATE.
IF EXEMPTION IS GRANTED AND SURCHARGE IS PAID IN FULL, REFUND WILL BE MADE.
THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE

C. HOUSEHOLD MEMBERS. List all members of your household on January 1 and provide requested information. Please list any members who are 18 and older and not full time students last. Documentation may be requested to verify information provided.

	Full Name (First, Middle, Last)	Relationship to Applicant	Age as of 1/1	Occupation or School Grade
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Continue list on attachment, in same format, as necessary.

D. HOUSEHOLD OUT OF POCKET MEDICAL EXPENSES DURING PRECEDING CALENDAR YEAR. List total medical expenses incurred by all household members during calendar year before January 1 that were not paid by or reimbursed by employer, public or private health insurance or other third party. Includes amounts paid in health insurance premiums, co-payments, deductibles and other out of pocket expenses. Documentation may be requested to verify expenses claimed.

TYPE OF EXPENSE	Total Out of Pocket for Preceding Calendar Year
Health insurance premiums	\$ _____
Doctors	\$ _____
Hospitals	\$ _____
Diagnostic tests	\$ _____
Prescription drugs	\$ _____
Medical equipment	\$ _____
Other	\$ _____
TOTAL OUT OF POCKET	\$ _____

E. HOUSEHOLD GROSS INCOME DURING PRECEDING CALENDAR YEAR. List income received from all sources for each member of household 18 and older and not full time student during calendar year before January 1. Please list members in same order as shown in Schedule C above. Copies of federal and state income tax returns may be requested to verify income reported for each household member.

Applicant Name _____ Member 1 Name _____ Member 2 Name _____ Member 3 Name _____

TYPE OF INCOME

TYPE OF INCOME	Applicant Name	Member 1 Name	Member 2 Name	Member 3 Name
Wages, salaries, other compensation	\$	\$	\$	\$
Social Security				
Other pension/retirement benefits				
Interest/dividends				
Rental income				
Net profits from business or profession				
Capital gains				
Alimony				
Child support				
Public assistance				
Unemployment compensation				
Disability compensation				
Other (specify):				
TOTAL GROSS INCOME - MEMBERS	\$	\$	\$	\$
TOTAL GROSS INCOME - HOUSEHOLD				

Continue list on attachment, in same format, as necessary.

F. CO-OWNERS' HOUSEHOLD GROSS INCOME DURING PRECEDING CALENDAR YEAR.

Does Schedule E above include the gross income of all co-owners of the property as of January 1, ____? Yes No
 If no, a Schedule C, D and E must be attached for each co-owner not included.

DISPOSITION OF APPLICATION (ASSESSORS' USE ONLY)

Age
Ownership
Occupancy

Applicant's Gross Income \$ _____
Dependent Deduction \$ _____
Medical Deduction \$ _____
Applicant's CPA Income \$ _____

Co-owner 1 Gross Income \$ _____
Dependent Deduction \$ _____
Medical Deduction \$ _____
Co-owner 1 CPA Income \$ _____

Co-owner 2 Gross Income \$ _____
Dependent Deduction \$ _____
Medical Deduction \$ _____
Co-owner 2 CPA Income \$ _____

GRANTED
DENIED

Assessed surcharge \$ _____
Exempted surcharge \$ _____
Adjusted surcharge \$ _____

BOARD OF ASSESSORS

Date voted _____
Certificate number _____
Date certificate/Notice sent _____

Date:

#3

Sports

Olympics: US rugby captain Madison Hughes calls Lancaster home

By John Conceison / Telegram & Gazette Staff

Posted Aug 8, 2016 at 6:45 PM

Updated Aug 9, 2016 at 4:11 PM

Make no mistake about it, Madison Hughes couldn't be happier playing rugby for Uncle Sam in these Olympic Games. He may have been born and raised in England, but the 23-year-old captain of the USA Men's Eagles Sevens truly treasures that he now lists Lancaster as his hometown.

Of course, that's our Lancaster, Massachusetts, not the one of his native country.

"Don't let the British accent fool you — he is an extremely proud American," says his mother, Kathy Hughes, a Leominster native. She notes that 19 family and friends will be on hand Tuesday in Rio de Janeiro to watch Madison and Team USA take on Argentina at noon Eastern (NBCSN) and Brazil five hours later (CNBC) in pool play, as rugby returns to the Olympics for the first time in 92 years.

Kathy (Birtwell) Hughes, who graduated from Leominster High in 1978 and Boston College in '82, worked for Bank of Boston and traveled for a project in London. There she met her future husband, Stuart, who was employed by Bank of Boston's London office. They married two years later in Lancaster, where Kathy's parents lived at the time. The couple moved to London, but every summer their growing family would stay 4-6 weeks at the home of Kathy's parents, on Spec Pond in Lancaster.

Last year, Kathy and Stuart purchased a family home on Spec Pond, where brother Cameron, a senior rugby captain at Providence College, and sister Cassie, a sophomore field hockey player at Fairfield, return during school breaks. And where Madison, who spends most of the year near USA Rugby's training center near San Diego, anticipates enjoying more memorable times at the pond.

During the summers of his youth in Lancaster, Madison Hughes became a big fan of the Boston Red Sox and New England Patriots. And at these Olympics, he is experiencing a touch of the Patriot Way, as Nate Ebner, currently on leave from Pats' training camp, is a teammate in Rio.

"Nate brings such a mindset to this team," Hughes said over the weekend from the Olympic Village in a telephone interview. "He has such a presence and high-character drive. It's been an amazing experience, having rooted for him, and now he's right next to me on the field. He wouldn't be here if he couldn't contribute."

For the other months of the year, Hughes amassed an impressive rugby résumé as a youth in England, playing the sport since he was 7 years old. He was a two-time captain at Dartmouth College, where he graduated in 2015 as a history major. While at Dartmouth, he made his Team USA debut in rugby's World Series in 2013. Last year, he led the U.S. to its first World Series winner ever at the London Sevens, then the team qualified for the Olympics with a victory over Canada at the NACRA Sevens.

Hughes' 725 points in 23 tournaments are the most of any player in U.S. history, and his 331 points during the 2015-16 season was the most of any player in the world. He was named the USA Eagles Sevens captain in 2014.

"It's an incredible honor to captain this team," said 5-foot-9, 175-pound Hughes, who accepted the role while completing requirements for his degree at Dartmouth. "I feel so much pride, yet there's so much responsibility."

The introduction of rugby sevens to the Games could make for some exciting Olympics TV. Each match consists of two 7-minute halves, with seven on a side, differing from the traditional game that features 15 players on a side and considerably longer matches. And as matches appear to fly, so does the tournament, which will be completed by Thursday night.

"It's more visually exciting, more free-flowing, and things happen quickly," said Hughes, who plans to take in other Olympic events after the rugby sevens tournament. "Our hope is that rugby sevens can take our sport to a new level globally."

Hughes notes conditions in Rio have been conducive to quality play. “The weather has been perfect for rugby,” he said. “It’s been pretty dry, and that will help our ability to pass the ball.”

The United States is in Pool A with Argentina, Brazil and highly touted Fiji, Wednesday’s 1:30 p.m. opponent. Later that day are relegation matches and quarterfinals, with the semifinals, bronze- and gold-medal matches on Thursday.

“I like our chances,” Hughes said. “We’ve beaten every team in the world this year. We’re not the favorites, but if we can play the way we’re capable of playing, we can do a lot of good things.”

—Contact John Conceison at john.conceison@telegram.com



TOWN OF LANCASTER
BOARD OF ASSESSORS

MICHAEL BURKE SR., VICE-CHAIRMAN
DEBRA SANDERS, MEMBER

DEBRA A. SANDERS
PRINCIPAL ASSESSOR, EXT 1301

BOBBY-JO WILLIAMS
ASSISTANT ASSESSOR, EXT 1312

July 23, 2021

Orlando Pacheco, Town Administrator
701 Main St, Suite 1
Lancaster MA 01523

Dear Orlando,

The Board of Assessors would like to notify you and the Select Board that we have settled the court case with Atlantic Union College for Fiscal Year 2014-2015 & 2016. Fiscal Year 2017 through 2020 Appellate Tax Board cases have been withdrawn.

If the Select Board would like to schedule an Executive Session to discuss, the Board of Assessors would be willing to attend.

Sincerely,

Lancaster Board of Assessors

VIII. APPOINTMENTS AND RESIGNATIONS



**Sterling-Lancaster Community Television, Inc.
Butterick Municipal Building
1 Park St
Sterling, MA 01564**

Executive Director
Matt Downing

Access Manager
Melissa Jellie

Studio Coordinator
Emmanuel Ortiz

Production Coordinator
Victoria Straitt

Board of Directors
Robert Kadlec, Pres.
Richard Maki, V. Pres.
John Ledoux, Treas.
Tom Kennedy, Clerk
Greg Billings
Doug Brown
Bob Govoni
Joe O'Connor

Sterling-Lancaster Community Television, Inc. is a 501(c)3 Organization established to provide Public, Educational, and Government programming to the towns of Sterling and Lancaster via Comcast channels 8 and 99

August 4, 2021

Jason Allison, Chair
Lancaster Select Board
Prescott Building
701 Main Street
Lancaster, MA 01523

RECEIVED

AUG 04 2021

Board of Selectmen

Dear Mr. Allison:

As defined in the by-laws of Sterling-Lancaster Community Television (SLCT), the Lancaster Select Board appoints one member to the Board of Directors for SLCT for a three year term. In 2018, the then current Select Board appointed John Ledoux, a Lancaster resident, to the Board. John's term is expiring this coming September and a new appointment or re-appointment needs to be made by the Select Board.

John is currently serving as Treasurer on the Board and is one of the founding members of the Board. John is willing to continue his service on the SLCT Board. He has been an active and valued contributor to the current Board. This memo is a request to the Lancaster Select Board to formalize the re-appointment of John Ledoux as their representative on the SLCT Board of Directors.

The current Board is comprised of the following people

Lancaster	Sterling
Bob Kadlec, President (2023)	Dick Maki, Vice Pres. (2021)
John Ledoux, Treasurer (2021)	Greg Billings (2022)
Doug Brown, (2022)	Bob Govoni (2023)
Tom Kennedy, Clerk (2023)	Joe O'Connor (2021)

If you have any questions, please contact me (978-368-0858).

Sincerely,

Robert J. Kadlec, President
Board of Directors
Sterling-Lancaster Community Television, Inc.

Kathi Rocco

From: Kristen Fox <kfox0717@gmail.com>
Sent: Wednesday, August 4, 2021 8:24 AM
To: Kathi Rocco
Subject: Board of Assessors Vacancy

Hi Kathy

I am a Lancaster resident, and I am interested in the vacant Board of Assessors position listed on the Lancaster town website. I am a Massachusetts Accredited Assessor, and currently the Principal Assessor for the town of Stow. I am willing to volunteer because I understand the challenges of having a vacancy on the Board of Assessors.

Thank you for your consideration.

Kristen Fox

Sent from my iPhone

RECEIVED

AUG 04 2021

Board of Selectmen

August 4, 2021

Dear Orlando:

Please be advised that I am resigning as Lancaster's Recreation Director effective immediately.

Sincerely,

A handwritten signature in cursive script that reads "Andrea Kiuru-Shepard".

Andrea Kiuru-Shepard

cc: Personnel File
Lancaster Selectboard
Lancaster Recreation Committee

RECEIVED

AUG 04 2021

Board of Selectmen

Kathi Rocco

From: Donna Rosander <drosander@comcast.net>
Sent: Tuesday, August 10, 2021 12:49 PM
To: Kathi Rocco
Cc: Donna Rosander
Subject: Resignation from Lancaster Cultural Council

Hello,

I want to resign from the Lancaster Cultural Council. Please accept my resignation.

Donna Rosander
295 Nicholas Dr
Lancaster, MA 01523

978-918-5064

Other/Unfinished Business



**TOWN OF LANCASTER, MASSACHUSETTS
SELECT BOARD**

NOTICE OF DECISION

Notice is hereby given that the Lancaster Select Board has renewed the Special Permit to remove earth products submitted by John E. Kanis, d/b/a J. E. Kanis, 535 Harvard Road, Lancaster, MA 01523, affecting the rights of the owner/applicant with respect to the use of land identified on Lancaster Assessors' Atlas Map 31, Parcel 4, as shown on Plan No. 03-17-03, sheets 1 – 3, dated September 2, 2004, prepared by DeFalco Engineering Services, 35 Pine Hill Road, Lancaster, MA.

The Select Board further certifies that the decision attached hereto is a true and correct copy and that the decision and all plans referred to therein have been filed with the Lancaster Town Clerk and Planning Board.

No permit or other relief granted by this decision shall take effect until the decision has been certified by the Town Clerk to be final by written endorsement hereon, and this decision is recorded at the applicant's expense in the Worcester District Registry of Deeds, indexed in the grantor index under the name of the record owner.

ANY APPEAL FROM THE DECISION OF THE BOARD MUST BE FILED IN COURT PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 17 AND NOTICE THEREOF FILED WITH THE TOWN CLERK WITHIN TWENTY (20) DAYS AFTER THIS DECISION IS FILED WITH THE TOWN CLERK.

The rights granted by this decision must be exercised, and in the case of a permit to construct, construction must commence within the time specified by M.G.L. c. 40A or the rights shall lapse unless extended or renewed. Special permits shall be exercised within two (2) years unless a shorter duration is specified.

Certified this ____ day of August, 2021.

LANCASTER SELECT BOARD:

Jason A. Allison, Chair

TOWN CLERK CERTIFICATE

This is to certify that twenty (20) days have elapsed after the date that the Decision was filed with the Town Clerk and no notice of appeal has been filed there from; or, in the case of an appeal having been so filed, the Town Clerk has received notice that said appeal has been finally dismissed or denied.

Lancaster Town Clerk

Date: _____

REGISTRY OF DEEDS

_____, _____ at ____ o'clock and __ minutes __.M. Received and entered with the Register of Deeds in the County of Worcester, as instrument number _____, Book _____, Page .

ATTEST

Register of Deeds

J. E. Kanis, Inc.



**TOWN OF LANCASTER, MASSACHUSETTS
SELECT BOARD
RENEWAL OF SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

In accordance with Article 12 of the Zoning Bylaws, the Select Board hereby grants to the Applicant a Special Permit to remove earth products, subject to the conditions noted herein.

Name of Applicant/Grantee: John E. Kanis

Address of Applicant/Grantee: 535 Harvard Road, Lancaster, MA 01523

Company Name: d/b/a John E. Kanis, Inc.

Company Address: Same

Area of Operation: Assessors Map 31/Parcel 4 (0 Pine Hill Road)

Permit Issue Date: August 19, 2021

Permit Expiration Date: August 19, 2023

Conditions:

1. **Description of Area:** All earth removal and related site work shall be in accordance with the approved Earth Removal plans for John E. Kanis, Inc., dated September 2, 2004, as prepared by Defalco Engineering, Inc., as modified by the terms and conditions of this Special Permit.
2. The site shall be restored with a minimum depth of nine inches of loam which shall be capable of supporting grass growth unless the applicant can document a lesser amount pre-exists on site, in which case the applicant will be responsible for the lesser amount. The site shall be restored upon completion of the earth removal authorized by this special permit. The area shall be hydro-seeded, or in the event that an acceptable alternative reclamation technique has been approved by the Board of Health and/or the MA Fish and Wildlife, the "alternative" may be substituted for "hydro-seeding", and the planted area shall be protected from erosion during the establishment period using sound conservation practices. Areas that wash out shall be repaired immediately. Trees or shrubs of prescribed species shall be planted to provide screening and reduce erosion during the establishment period.
3. No top or subsoil shall be removed from the site. This shall not apply to surplus manufactured topsoil created under the supervision of Resource Management, Inc. per prior approval from the Lancaster Board of Health and MA DEP guidelines.



**TOWN OF LANCASTER, MASSACHUSETTS
SELECT BOARD
RENEWAL OF SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

4. Provisions for dust control shall be in place prior to commencement of the earth removal operations. Abutting public right-of-ways and abutters shall be kept clear of construction debris and dust.
5. Dust Control measures shall be undertaken as specified in the approved plans.
6. Active work areas shall be limited to one (1) Four (4) acre parcel, in accordance with the approved phasing plans.
7. Restoration within the 2013 EPR Permit Area shall commence before work begins (including building haul roads) in the 2015-2017 Permit Area such that active work area does not surpass four (4) acres as stipulated in Condition 6. All restoration work shall be completed within 90 days after expiration of a permit or upon cessation of operations within any phase.
8. A maximum slope of three foot horizontal to one foot vertical (3:1) is required; 4:1 within any buffer zone of a resource area as shown on the approved plans.
9. The hours and days for which trucks are allowed to remove earth materials from the site shall be limited to 7:00 am – 4:30 pm Monday through Friday and 8:00 am – Noon on Saturdays, except for Federal and State Holidays. Alteration of this time schedule may be accomplished only by prior approval of the Select Board.
10. All entrances to the facility shall be gated and locked to prevent unauthorized entry during nonworking hours. Proper signage must also be posted within the site to advise drivers of site conditions. Truck entering signs shall also be erected along the abutting right-of-ways to warn motorists of truck traffic from the site.
11. Truck trips from the site shall not exceed 75 trips (loads) within any given day. Alteration of this trip schedule may be accomplished only by prior approval of the Select Board based upon an approved traffic management plan approved by the Chief of Police.
12. A minimum of two (2) groundwater-monitoring wells shall be installed for every six acres of active work area. Groundwater levels shall be checked on a quarterly basis and data provided to the Town. A minimum depth of groundwater separation of 6-feet shall be maintained at all times. Areas which fall within the Town's water resource overlay district shall maintain a minimum depth of groundwater separation of 10-feet. **CONDITION WAIVED**
13. Provide a minimum of three (3) permanent benchmarks with elevations for each active phase of the operation. **CONDITION WAIVED**



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14. The land shall be left so that natural storm drainage leaves the property at the original natural drainage points and so that the total discharge at peak flow, and the area of drainage at any one point, is not increased, and so that the hydrograph of any post-development receiving body of water is the same as that of the pre-development hydrograph per the approved plans.
15. No stumps shall be buried on-site.
16. A Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account in the amount of \$42,000 shall be provided to the Town prior to commencement of any work authorized under this special permit in order to secure compliance with the terms and conditions hereof. The Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account shall remain in effect during the term of the Special Permit.
17. The excavations, fills or side cuts shall be set back a minimum of one hundred (100) feet from the abutter's property lines or public right-of-way – **CONDITION WAIVED**.
18. No areas should be excavated so as to cause accumulation of standing water. Excavation areas shall be graded to provide positive drainage in accordance with the approved stormwater management plan.
19. Agent(s) assigned by the Select Board shall conduct inspections. All costs for outside consultant services used for inspection purposes shall be paid for by the permit holder. Funds shall be deposited into a Consultant Review Account. An annual inspection shall be scheduled quarterly and at other times as needed.
20. Recommendations for permit compliance cited in inspection reports shall be addressed by the Applicant before the next subsequent inspection, or the permit may be subject to revocation by the Select Board following a hearing.
21. If any conditions of this permit are violated, the permit is subject to revocation by the Select Board following a hearing.
22. This permit shall not be assigned to any other person other than the person or entity named herein, unless authorized in writing by the Select Board.
23. By exercising this special permit, the permit holder agrees to permit reasonable access onto the subject premises by the agents and employees of the Lancaster Select Board for inspection purposes consistent with the requirements of Condition 19.



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24. By exercising this special permit, the permit holder agrees that he will not excavate in such a manner as to leave dangerous and unsightly conditions on the premises as a result of the excavation.

Date of Public Hearing: July 19, 2021

Location: via ZOOM™

Notice of Hearing, Names of newspapers: The Clinton Item

Date of Public Notice: July 2, 2021 and July 9, 2021

Certified List of Abutters: Yes

DECISION FINDINGS:

With respect to the Special Permit, the Board finds, after soliciting and reviewing comments from other Town boards, departments, agencies, staff, and interested persons that reasonable measures have been or will be taken to:

- (a) Ensure that all requirements applicable to the special permit are fulfilled;
- (b) That the specific site is an appropriate location for the uses proposed;
- (c) That there is safe access from roads adequate for the traffic expected, adequate parking is provided and internal circulation is adequate for emergency vehicles;
- (d) That the Board of Health requirements for water and sanitation arrangements will be followed;
- (e) That the use as developed and operated will not adversely affect the neighborhood;
- (f) That the purposes of the Bylaw are substantially met.

The Select Board, the Permitting Authority, hereby grants this Permit on behalf of the Town of Lancaster.



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SELECT BOARD:

Jason A. Allison., *Chair*

Date:

