

# *Town of Lancaster*

## *Office of the Town Clerk*

*701 Main Street, Suite 2*

*Lancaster, Massachusetts 01523*

*Tel (978) 365-3326 ext. 1013 - Fax (978) 368-4011*

June 6, 2018

WORCESTER, SS:

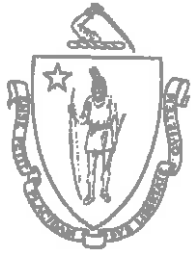
On the above date, I posted attested copies of the Amendment to the General Bylaws, Article 14, as well as Zoning Bylaws, Articles 11, 12, and 13, which were approved at the Annual Town Meeting convened on May 7, 2018. The article mentioned was approved by Maura Healey, Attorney General, on June 5, 2018 and is posted at the following locations in the Town of Lancaster:

POST OFFICE (MAIN); POST OFFICE (SOUTH); TOWN HALL; FIRST CHURCH OF CHRIST, UNITARIAN; LANCASTER COMMUNITY CENTER; TOWN WEBSITE

  
CONSTABLE

CLAIMS OF INVALIDITY BY REASON OF ANY DEFECT IN THE PROCEDURE OF ADOPTION OR AMENDMENTS OF THESE BYLAWS MAY ONLY BE MADE WITHIN NINETY DAYS (90) PER CHAPTER 40, SECTION 32, OF THE GENERAL LAWS OF THE COMMONWEALTH.

  
DIANNE M. REARDON  
TOWN CLERK



MAURA HEALEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

(508) 792-7600  
(508) 795-1991 fax  
[www.mass.gov/ago](http://www.mass.gov/ago)

June 5, 2018

Diane Reardon, Acting Town Clerk  
Town of Lancaster  
701 Main Street  
Lancaster, MA 01523

**RE: Lancaster Annual Town Meeting of May 7, 2018 – Case # 8907  
Warrant Articles # 11, 12 and 13 (Zoning)  
Warrant Article # 14 (General)**

Dear Ms. Reardon:

**Articles 11, 12, 13 and 14** – We approve Articles 11, 12, 13 and 14 from the May 7, 2018 Lancaster Annual Town Meeting.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

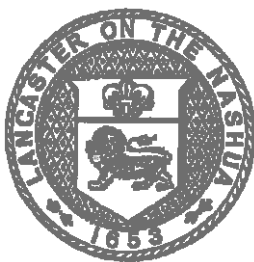
Very truly yours,

MAURA HEALEY  
ATTORNEY GENERAL

*Margaret J. Hurley*

by: Margaret J. Hurley, Assistant Attorney General  
Chief, Central Massachusetts Division  
Director, Municipal Law Unit  
Ten Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600 x 4402

cc: Town Counsel Lauren Goldberg



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### EXCERPT OF THE ANNUAL TOWN MEETING HELD

MONDAY, MAY 7, 2018, 7:00 P.M.

MARY ROWLANDSON ELEMENTARY SCHOOL AUDITORIUM

MAY 7, 2018 – TOWN MEETING VOTER ATTENDANCE: 153, 11 NON-VOTERS

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#### ARTICLE 11 – AMEND ZONING BYLAW (LIGHTING)

(Two Thirds vote)

To see if the Town will vote to amend Section 220-36.2 (Lighting) of the Lancaster Zoning Bylaw as follows:

- Section 220-36.2 (D) (3) – to add LED as a lamp type
- Section 220-36.2 (E) (4) – to change the color temperature range to a minimum of 2,000K to a maximum of 4,500K
- Section 220-36.2 (E) (5) – to remove the illumination ratio, as follows:

Control of illumination levels. All parking areas and pedestrian facilities serving nonresidential uses and open to the general public shall be provided with illumination during all hours from dusk to dawn while those facilities are open to the general public. Such illumination shall provide not less than 0.2 average maintained horizontal footcandles, ~~and an illumination ratio (brightest/darkest) of not more than 4:1.~~ However, in performing site plan review under § 220-34, the Planning Board may approve alternative arrangements if it determines that, because of special circumstances or alternative provisions, the specified illumination is not necessary or appropriate for the protection of the public safety.

- Section 220-36.2 (H) (4) – to allow for relief to all aspects of the bylaw, as follows:

Special permits. In accordance with § ~~220-35~~, Subsection C, the Planning Board, acting as the special permit granting authority, may grant a special permit modifying the requirements of this section, provided it determines that such modification is consistent with the objectives set forth in § 220-36.2, Subsection A, ~~in the following cases:~~

~~(1)~~

~~Where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists;~~

~~(2)~~

~~Where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas;~~

~~(3)~~

~~Where a minor change is proposed to an existing, nonconforming lighting installation, such that it would be unreasonable to require replacement of the entire installation; and~~

~~(4)~~

~~Where it can be demonstrated that, for reasons of the geometry of the lot, building or structure, complete shielding of direct light is technically infeasible.~~

Or take any action relative thereto.

Mr. Starr (Grasso seconded) moves to amend the Lancaster Zoning Bylaw as printed in the Warrant.

Mr. Philip F. Lawler, Planning Board Chair, presented the Planning Board Report.

**WITH ONLY ONE OPPOSED, MOTION TO CARRIES**

**DECLARED 2/3 BY MODERATOR\***

**\*TOWN OF LANCASTER HAS ACCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN  
MEETING OCTOBER 16, 2006, ARTICLE 11**

**(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)**

A TRUE COPY ATTEST:



TOWN CLERK  
LANCASTER, MASSACHUSETTS



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MAY 7, 2018 – TOWN MEETING VOTER ATTENDANCE: 153, 11 NON-VOTERS

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### ARTICLE 12 – AMEND ZONING BYLAW (SOLAR ENERGY SYSTEMS)

(Two Thirds vote)

To see if the Town will vote to amend Article 17 (Solar Energy Systems) of the Lancaster Zoning Bylaw as follows:

- Section 220-76 (E) (1) – to allow for reduced setback and buffer strip requirements, as follows (new language in **bold**):

(E) Conditions. The Planning Board may impose any conditions upon site plan approval deemed necessary to achieve the purpose of this bylaw, such as, but not limited to, the following:

**(1) Greater than Reduction or increase of minimum setback requirements and reduction of buffer strip requirements;**

- Section 220-76 (J), (K), (L), (M) – to allow for waivers of design standards and other requirements, by adding a new Section 220-76(N), as follows:

(N) The Planning Board may, in conducting site plan review, waive one or more of the requirements of Sections (J), (K), (L), (M), above, in its sole discretion under appropriate circumstances.

Or take any action relative thereto.

Mr. Grasso (Sendrowski seconded) moves to amend the Lancaster Zoning Bylaw as printed in the Warrant.

Mr. Philip F. Lawler, Planning Board Chair, presented the Planning Board Report.

**WITH ONLY TWO OPPOSED, MOTION CARRIES**

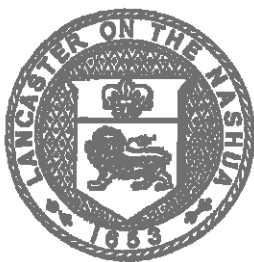
**DECLARED 2/3 BY MODERATOR\***

**\*TOWN OF LANCASTER HAS ACCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING OCTOBER 16, 2006, ARTICLE 11**

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MAY 7, 2018 – TOWN MEETING VOTER ATTENDANCE: 153, 11 NON-VOTERS

### ARTICLE 13 – AMEND ZONING BYLAW (ADD MARIJUANA ESTABLISHMENTS)

(Two Thirds vote)

To see if the Town will vote to amend the Town's Zoning Bylaw to add a new Article XVIII, entitled "MARIJUANA ESTABLISHMENTS", a copy of which has been placed on file with the Town Clerk and is available for review in the office of Community Development and Planning, to regulate the placement and use of Marijuana Establishments, as that term is defined in G.L. c.94G, §1 and the regulations promulgated thereunder, with the exception of Marijuana Retailers, which shall be prohibited, and to amend the Table of Contents accordingly to add Article XVIII, and further to amend the Use Regulation Schedule, Section 220-8.4, to add subsections F and G to provide for the placement of Marijuana Establishments in existing zoning districts in the Town and the prohibition of Marijuana Retailers throughout the Town, as follows:

§ 220-8.4. PUBLIC, HEALTH, EDUCATIONAL AND INSTITUTIONAL USES.								
Principal uses								
Item	Use	Zoning Districts						Notes
		R	NB	LI	LI2	GI	EZ	
F.	Marijuana Retailer	N	N	N	N	N	N	
G.	Marijuana Establishment (excluding Marijuana Retailers)	N	N	PB	PB	PB	PB	As regulated by Article XVIII of Ch. 220.

Or take any action relative thereto

Mr. Sendrowski (Starr seconded) moves to amend the Lancaster Zoning Bylaw as printed in the Warrant.

Mr. Philip F. Lawler, Planning Board Chair, presented the Planning Board Report.

Mr. Trussell moves (seconded from the floor) to amend the article to be voted by individual line (separating lines F and G).

**MOTION TO AMEND FAILS**

Original motion called.

**TELLER COUNT REQUESTED**

With a vote of 102 YES, 26 NO

**MOTION CARRIES**

**DECLARED 2/3 BY MODERATOR\***

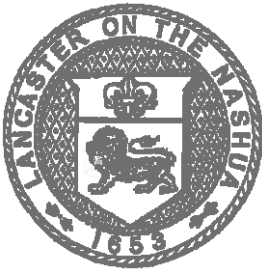
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MEETING OCTOBER 16, 2006, ARTICLE 11**

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**MAY 7, 2018 – TOWN MEETING VOTER ATTENDANCE: 153, 11 NON-VOTERS**

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### **ARTICLE 14 – AMEND GENERAL BYLAW (MARIJUANA ESTABLISHMENTS)**

**(Two Thirds vote)**

To see if the Town will vote to amend the Town's General Bylaw by adding new Section 128 **MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add 128, "Marijuana Establishments":

#### **Marijuana Establishments**

Consistent with G.L. c. 94G, §3 (a) (2), "Marijuana Retailers" as defined in G.L. c. 94G, §1, and the regulations promulgated thereunder, shall be prohibited within the Town of Lancaster.

Or take any action relative thereto

Mr. Starr (Grasso seconded) moves to amend the Town of Lancaster's General Bylaw as printed in the Warrant.

Mr. Philip F. Lawler, Planning Board Chair, presented the Planning Board Report.

**WITH FEW OPPOSED, MOTION CARRIES**

**DECLARED 2/3 BY MODERATOR\***

**\*TOWN OF LANCASTER HAS ACCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING OCTOBER 16, 2006, ARTICLE 11**

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