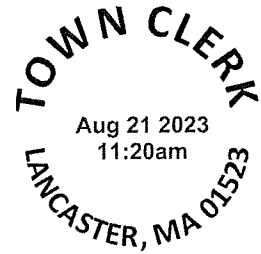


Attorney General's
Notice

Pursuant to G.L. c. 40, § 32



Town of Lancaster -- Case No. 10850
Special Town Meeting of November 14, 2022
Article # 3 (Zoning)

Attorney General's Limited Authority to Waive Procedural Defects in the Notice of the Planning Board Hearing

Pursuant to the provisions of G.L. c. 40, § 32, if the Attorney General finds there to be any defect in the procedure of adoption or amendment of any zoning by-law relating to the form or content of the notice of the Planning Board hearing prescribed by G.L. c. 40A, § 5, or to the manner or dates on which said notice is mailed, posted or published as required by that section, then instead of disapproving the by-law or amendment by reason of any such defect, the Attorney General may elect to proceed under the defect waiver provisions of G.L. c. 40, § 32. Under those provisions, the Attorney General is conditionally authorized to waive any such defect.

Defect Determined in Notice of Planning Board Hearing

The Attorney General has determined that the planning board hearing notice relating to the above Article failed to comply with the notice requirements for such hearing established by G.L. c. 40A, § 5. Section 5 provides in part (with emphasis added):

No zoning...by-law or amendment thereto shall be adopted until after the planning board in a...town has...held a public hearing thereon...at which interested persons shall be given an opportunity to be heard.... Notice of the time and place of such hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the...town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the...town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town...

Based on the materials submitted to this Office, we have identified the following defect: the Town did not send notice as required by G.L. c. 40A, § 5 to the Department of Housing and Community Development (now called the Executive Office of Housing and Livable Communities (EOHLC)), the regional planning agency, and all abutting cities and towns. The Town tried to cure this planning board hearing notice defect by obtaining waivers from EOHLC, the regional planning agency, and the planning board of each abutting city and town as authorized by G.L. c. 40A, § 5. However, the Town did not receive the waivers prior to Town Meeting. Therefore, because the Town did not send notice to EOHLC, the regional planning agency, and to the planning board of each abutting city and town (and was unable to secure a waiver from all of these entities before Town Meeting), the notice of the June 8, 2022 Planning Board hearing did not comply with G.L. c. 40A, § 5.

For this reason, the 90-day period prescribed for the Attorney General's review of Articles 9 and 11 is suspended in accordance with G.L. c. 40, § 32.

Attorney General's Election to Proceed Under the Waiver Provisions of G.L. c. 40, § 32

The Attorney General has elected to proceed under the limited defect waiver authority conferred by G.L. c. 40, § 32.

Suspension of Review of Zoning By-Law Amendments

The 90-day period prescribed by law for the Attorney General's review of local by-laws is therefore suspended in accordance with the provisions of G.L. c. 40, § 32.

Posting and Publication of This Notice

The Town Clerk shall post a true copy of this Notice in a conspicuous place in the Lancaster Town Hall for a period of not less than 14 days and shall publish a copy once in a newspaper of general circulation in the Town of Lancaster.

Filing of Claim That Defect in Notice Was Misleading or Otherwise Prejudicial

Within 21 days of the date on which this Notice is published in a newspaper of general circulation in the Town of Lancaster, any resident of the Town of Lancaster, or the owner of any real property in the Town of Lancaster or any other party entitled to notice of the planning board hearing may file with the Town Clerk a written statement that the notice defect was misleading or otherwise prejudicial. The statement must include the reasons supporting the claim that the defect in the Planning Board Notice was misleading or otherwise prejudicial. This statement must be actually on file with the Town Clerk not later than 21 days from the date on which this Notice is published in the newspaper.

Town Clerk's Certification of Compliance with This Notice

After the expiration of the 21-day period, the Town Clerk shall submit to the Attorney General a true copy of this Notice with a certification of compliance with the publishing and posting requirements of the preceding paragraph, and a certification that either (a) no claim was filed within the 21-day period, or (b) one or more claims were filed within the 21-day period. The Town Clerk shall submit to the Attorney General true copies of any such claim(s).

Resumption of Attorney General's Review

Upon receipt of one original copy of this Notice with the Clerk's certification, the 90-day period provided for the Attorney General's review under G.L. c. 40, § 32, shall resume. If no claim is made, the Attorney General has the discretion to waive any such defect; if any claim is made, however, the Attorney General may not waive any such defect.

Note: By not filing a claim under this provision, a person shall not be deprived of the right to assert a claim of invalidity arising out of any possible defect in the procedure of adoption or amendment, as provided in G.L. c. 40, § 32, and in G.L. c. 40A, § 5.

Date: August 18, 2023

Very truly yours,
ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608

cc: Town Counsel Ivria Glass Fried

Town Clerk's Certification
Lancaster -- Case # 10850
Special Town Meeting of November 14, 2022
Article # 3

I hereby certify that I have posted and published a true copy of this Attorney General's Notice, as follows:

Posting - On August 21, 2023, and for a period of at least 14 days, I posted a true copy of this Notice at the following conspicuous place in the Lancaster Town Hall:
Bulletin Board

Publication - I published a true copy of this Notice in The Item, a newspaper of general circulation in the Town of Lancaster. The date of publication was: Sept. 1, 2023. A copy of the published notice, including the date of publication, is attached.

Certification of Claims Filed - I certify that 21 days has expired from the date on which the notice was published in a newspaper and as of such date Sept 22, 2023

☐ no claims were filed, or

☒ one or more claims were filed, and copies of each are attached hereto.

Date: September 25, 2023 
Town Clerk, Town of Lancaster

Lifelong learning explores filming movies in Mass.

WEST BOYLSTON

The West Boylston Council on Aging will host a fall 2023 lifelong learning series at the West Boylston Senior Center, beginning on Thursday, Sept. 14, at 7 p.m.

Edgar Luna, business development manager for Worcester, will discuss "Filming Movies in Massachusetts."

At the DCU Center or on Main Street Worcester, filming is a familiar sight. A handful of movies have filmed scenes in the city in recent

years, from Liam Neeson in "Honest Thief" to Matthew McConaughey in "The Sea of Trees." Behind the scenes, one of the more notable members of the supporting cast is Luna. If you want to film in Worcester, you must speak with Luna first. He oversees all movie projects that are set in the city.

The film industry provides positive publicity for the city; however, it also triggers a multilevel sequence of economic development that benefits the

local community.

"Worcester has become a popular spot for Hollywood films because of its unique look and how much the city has to offer. We have historic buildings, well-defined streetscapes, and sports facilities," Luna said. "Anyone who is looking for anything will find it in Worcester."

Coffee and dessert served following the program. Call the Senior Center at (508) 835-6916 to register; \$5 per person at the door.

Sterling Cultural Council opens grant cycle Sept. 1

STERLING - The Sterling Cultural Council is accepting applications for grants supporting creative and cultural activities as well as programs dealing with science, history and the arts.

"Any individual or organization with an idea for programming that benefits the cultural life of Sterling may apply from Sept. 1 through Oct. 17 for funding in 2024," said Council Chair Judy Doherty.

Following are some frequently asked questions about applying:

What are the requirements to apply? Anyone who is eager to provide a cultural experience for the people of Sterling may apply. Teen applicants are invited. The Council recommends that teen applicants name an adult advisor. Organizations may apply. The experience must be open to all Sterling residents. Churches can apply but must promote the activity to all townspeople and cannot use the funds to proselytize.

How do I apply? Online through Massachusetts Cultural Council Website. See local: massculturalcouncil.org/communities/local-cultural-program/application-process/

How hard is it to do? The format includes describing your idea, event, program and writing a budget for expected expenses. In all it is 5 pages.

Do I need to be a Sterling resident to apply? No, but you need to offer the program for Sterling residents and secure a venue in Sterling.

What are some examples of past grant awards? Artist in residence, gallery show in an historic schoolhouse, ecology education program, history presenter, support for community theater, music concerts, meditation series for cancer patients, gardening project, museum support, etc.

Contact the council at doherty_bwp@yahoo.com if you have further questions, need help with applying, or want to see a sample grant.

CLASSIFIEDS

Place Your Ad: classifieds@clintonitem.com Ad Deadlines: Friday, 5:00 PM

PUBLIC NOTICE

LEGAL NOTICE
Town of Sterling Select Board
Notice of Public Hearing for

Application for renewal of an earth removal permit for #17 Stone Crest Way

Pursuant to Chapter 63 (Earth Removal) of the Town of Sterling General Bylaws, notice is hereby given that the Select Board will hold a public hearing on Wednesday, September 13, 2023 at 6:00 PM in Room 205, Butler Municipal Building, 1 Park Street, to review an application for renewing the earth removal permit for property located at #17 Stone Crest Way (Tax Map 7A, Lots 1, 2, 3 & 2). Tax Map 7A, Lot 40, Applicant: The Grands LLC & Love's Grands LLC (One Corporation).

A copy of the earth removal permit application and plans can be reviewed at the Town Clerk's office and the Planning Department office during regular Town Hall office hours.

Sterling Select Board
Published in The Item August 25, September 1, 2023. 1341310

LEGAL NOTICE

NOTICE OF PUBLIC SALE
Notice is hereby given by Jon Kazanjian Auto Repair, 256 25th Street, Lowell, MA, pursuant to the provisions of M.G.C. § 25, Section 39A, that they will sell the following vehicle on or after September 2, 2023 beginning at 10:00 am by private or public sale to satisfy their garage keeper's lien for towing, storage, and

OFFICE SPACE AND COMMERCIAL BAY FOR RENT/LEASE MAIN ST CLINTON

Newly renovated office spaces with private entrances in a prime location with heavy traffic for major exposure available. Finishing touches are in process for the exterior. Shared common areas - kitchen & bathroom. Mini split for individual temperature control. Utilities (heat, electricity) negotiable depending on type of business rented. Tenants responsible for internet. Also, large 1100 sq. ft. commercial industrial high bay with 14 ft high doors and one standard entry door available. Newly constructed with concrete floors, Co2 Fans, piping for propane, and rough plumbing if a bathroom is desired. Propane and electricity are tenant responsibility. Zoned for commercial use with 24 hour availability. 2 offices and 1 commercial bay available for commercial use only, no residential.

Please contact office@zevroofing.com or call 978-733-1435 for info and showings.

CLINTON ZONING BOARD OF APPEALS
LEGAL NOTICE
Pursuant to Massachusetts General Laws, Chapter 40A, Section 11, notice is hereby given that the Zoning Board of Appeals will hold a Public Hearing Tuesday, September 12, 2023 at 7:30 p.m. at the Clinton Town Hall, 242 Church Street, Clinton, Massachusetts regarding an application from Karen DeCesare, 65 Grove Street, Clinton, MA 01510 seeking a Special Permit for property located at 85 Grove Street, Clinton, MA under section 3400 of the Clinton Zoning Bylaws to demolish and build an addition for an in-law apartment and further identified on assessment Map 5.

Published in The Item September 1, 2023. 1351760

PUBLIC NOTICE

LEGAL NOTICE
Town of Lancaster - Case No. 10050
Special Town Meeting of November 14, 2023 Article 3 (Zoning)

Attorney General's Limited Authority to Waive Procedural Defects in the Notice of the Planning Board Hearing
Pursuant to the provisions of G.L. c. 40A, § 32, if the Attorney General finds there to be any defect in the procedure of adoption or amendment of any zoning bylaw relating to the form or content of the notice of the Planning Board hearing prescribed by G.L. c. 40A, § 5, or to the manner or dates on which said notice is issued, posted or published or required by this section, or instead of disapproving the bylaw or amendment by reason of any such defect, the Attorney General may elect to proceed under the defect waiver provisions of G.L. c. 40A, § 32. Under these provisions, the Attorney General is conditionally authorized to waive any such defect.

Defect Determined in Notice of Planning Board Hearing
The Attorney General has determined that the planning board hearing notice relating to the above article failed to comply with the notice requirements for such hearing established by G.L. c. 40A, § 5. Section 5 provides in part (with emphasis added):

No zoning, by-law or amendment thereto shall be adopted until after the planning board in a town has held a public hearing thereon, at which interested persons shall be given an opportunity to be heard... Notice of the time and place of such hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the town on each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the town for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid in the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town...

Based on the materials submitted to this Office, we have identified the following defect: the Town did not send notice as required by G.L. c. 40A, § 5 to the Department of Housing and Community Development (DHCD), the regional planning agency, and all abutting cities and towns. The Town tried to cure this planning board hearing notice defect by obtaining waivers from DHCD, the regional planning agency, and the planning board of each abutting city and town as authorized by G.L. c. 40A, § 5. However, the Town did not receive the waivers prior to Town Meeting. Therefore, because the Town did not send notice to DHCD, the regional planning agency, and to the planning board of each abutting city and town (and was unable to secure a waiver from all of these entities before Town Meeting), the notice of the June 8, 2022 Planning Board hearing did not comply with G.L. c. 40A, § 5.

For this reason, the 90-day period prescribed for the Attorney General's review of Articles 9 and 11 is suspended in accordance with G.L. c. 40A, § 32.

Attorney General's Election to Proceed Under the Defect Waiver Authority conferred by G.L. c. 40A, § 32.
The Attorney General has elected to proceed under the limited defect waiver authority conferred by G.L. c. 40A, § 32.

Suspension of Review of Zoning By-Law Amendments
The 90-day period prescribed by law for the Attorney General's review of local by-laws is therefore suspended in accordance with the provisions of G.L. c. 40A, § 32.

Posting and Publication of This Notice
The Town Clerk shall post a true copy of this Notice in a conspicuous place in the Lancaster Town Hall for a period of not less than 14 days and shall publish a copy once in a newspaper of general circulation in the Town of Lancaster.

Filing of Claim That Defect in Notice Was Misleading or Otherwise Prejudicial
Within 21 days of the date on which this Notice is published in a newspaper of general circulation in the Town of Lancaster, any resident of the Town of Lancaster, or the owner of any real property in the Town of Lancaster or any other party entitled to notice of the planning board hearing may file with the Town Clerk a written statement that the notice defect was misleading or otherwise prejudicial. The statement must include the reasons supporting the claim that the defect in the Planning Board Notice was misleading or otherwise prejudicial. This statement must be actually on file with the Town Clerk not later than 21 days from the date on which this Notice is published in the newspaper.

Town Clerk's Certification of Compliance with This Notice
After the expiration of the 21-day period, the Town Clerk shall submit to the Attorney General a true copy of this Notice with the Clerk's certification of compliance with the publishing and posting requirements of the preceding paragraph, and a certification that either (a) no claim was filed within the 21-day period, or (b) one or more claims were filed within the 21-day period. The Town Clerk shall submit to the Attorney General true copies of any such claim(s).

Resumption of Attorney General's Review
Upon receipt of one original copy of this Notice with the Clerk's certification, the 90-day period provided for the Attorney General's review under G.L. c. 40A, § 32, shall resume. If no claim is made, the Attorney General has the discretion to waive any such defect if any claim is made, however, the Attorney General may not waive any such defect.

Notice By Not Filing a Claim Under This Provision, a person shall not be deprived of the right to assert a claim of invalidity arising out of any possible defect in the procedure of adoption or amendment, as provided in G.L. c. 40A, § 32, and in G.L. c. 40A, § 5.

Date: August 16, 2020

Very truly yours,
ANDREW JOY CAMPBELL
ATTORNEY GENERAL

By: Kelli E. Gougan
Assistant Attorney General
Municipal Law Unit
10 Merchants Suite, Suite 301
Worcester, MA 01608

cc: Town Council Kelli Gougan Filed
Published in The Item September 1, 2023. 1411700

PUBLIC NOTICE

TOWN OF LANCASTER PLANNING BOARD
NOTICE OF PUBLIC HEARING
hybrid
September 11, 2023

<https://go2web.com.us/j/842817074?pwd=Y7Zk9hc1Q2a2lnMTF0R2ZkRFFOT09>
Meeting ID: 884 2281 7074
Passcode: 661280

The Lancaster Planning Board will hold a public hearing on Monday, September 11, at 7:00 PM to hear and act upon the following matter:

Application by FT Pond Realty, LLC and Mount Laurel Realty Trust (applicant and property owner), 695 Fort Pond Road, Lancaster, MA 01523, for the following:

Special Permit relative to the construction of a driveway with a length exceeding 1000 feet. The project proposes a two-lane driveway approximately 1500 feet long.

The property is located at 695 Fort Pond Road, Lancaster, MA, in the EZ-A, VR, PWSOC, and POC-2 Zoning District, and is identified on the Assessor's Map 5, Parcel 26b, 27, 32, 32a.

A copy of the application and accompanying documents are on file in the Office of Community Development and Planning, 701 Main Street, Lancaster, MA 078-368-3234 x1081.

John Zoom Meeting
<https://go2web.com.us/j/842817074?pwd=Y7Zk9hc1Q2a2lnMTF0R2ZkRFFOT09>
Meeting ID: 884 2281 7074

Frank Streeter, Chairman
Lancaster Planning Board

For publication in The Item:
Friday, August 25, 2023
Friday, September 1, 2023
Published in The Item August 25, September 1, 2023. 1370150

TOWN OF CLINTON ZONING BOARD OF APPEALS

LEGAL NOTICE
Pursuant to Massachusetts General Laws, Chapter 40A, Section 11, notice is hereby given that the Zoning Board of Appeals will hold a Public Hearing Tuesday, September 12, 2023 at 7:30 p.m. at the Clinton Town Hall, 242 Church Street, Clinton, Massachusetts regarding an application from Karen DeCesare, 65 Grove Street, Clinton, MA 01510 seeking a Special Permit for property located at 85 Grove Street, Clinton, MA under section 3400 of the Clinton Zoning Bylaws to demolish and build an addition for an in-law apartment and further identified on assessment Map 5.

CLINTON ZONING BOARD OF APPEALS
LEGAL NOTICE
Pursuant to Massachusetts General Laws, Chapter 40A, Section 11, notice is hereby given that the Zoning Board of Appeals will hold a Public Hearing Tuesday, September 12, 2023 at 7:30 p.m. at the Clinton Town Hall, 242 Church Street, Clinton, Massachusetts regarding an application from Karen DeCesare, 65 Grove Street, Clinton, MA 01510 seeking a Special Permit for property located at 85 Grove Street, Clinton, MA under section 3400 of the Clinton Zoning Bylaws to demolish and build an addition for an in-law apartment and further identified on assessment Map 5.

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Published in The Item September 1, 2023. 1392470



September 21, 2023
4 Highfield Drive
Lancaster, MA 01523

LANCASTER TOWN CLERK
RECEIVED SEP 21 AM 10:11

TO: Lancaster Town Clerk
701 Main Street, Suite 2
Lancaster, MA 01523

RE: Misleading Defect in Notice for Special Town Meeting of November 14, 2022 Article # 3

Dear Town Clerk,

Responsive to your notice in the September 1, 2023 edition of "The Item", I am writing to assert that the defect in the notice for the June 8th, 2022 Planning Board Hearing was misleading and/or prejudicial. Please include my letter with the Certificate of Compliance that you return to the Attorney General, related to their review of "Special Town Meeting of November 14, 2022 Article #3" and Case No. 10850 as a claim filed within the 21 day period after you published the notice.

1. The requirement for notice to abutting municipalities, EOHCL, and MRPC (our Regional Planning Agency) is well established and routine. As Chairman of the Lancaster Planning Board through April 26th, 2022 I would not have proceeded with any bylaw hearing for which I became aware that this requirement had not been met. Furthermore, as a member of the town's Planning Board for more than six years, I expected these notices from abutting communities, routinely reviewed the notifications, and would have objected to any omissions were our positions reversed.
2. One abutting municipality, Leominster, had a particular interest in this bylaw. Water for the advertised project on this site was to be supplied through a special agreement signed with the underlying property owners with the City of Leominster via a connection from Johnny Appleseed Lane. As a prior member of the Planning Board, I am aware that during discussion of the agreement the city had specific concerns about whether the water they supplied would be used for residential development. They were also concerned that it would lead to commercial development that would compete with Leominster. The notification to the City of Leominster would have alerted not only their Planning Board but other municipal boards – I do not think that even a waiver from their Planning Board would have adequately cured this omission.
3. A second abutting municipality, Lunenburg, historically has been particularly concerned with development at this site. Development at the site would increase the burden on the

road and highway onramp we share with Lunenburg (past traffic studies have show the service level at some local intersections reduced to an “F” at peak hours) and in recent years Lunenburg withdrew from a MassWorks Grant Application for infrastructure to supply Lunenburg water to this site. As with Leominster, there was broad community concern about this development; I don’t think even a Planning Board waiver would have been a sufficient reason to not notify that community.

4. For this hearing, the published notification for this hearing was in “The Item.” Though “The Item” is circulated in Lancaster and Clinton, it does not serve any of the other abutting communities who were not directly notified or most of the 26 communities who are members of the Montachusett Regional Planning Commission. Those unserved abutting communities likely received no notice at all before this hearing, even if they were monitoring these published notices.

The defects in notice had prejudicial impact on potentially interested parties and their ability to participate in the public process. The parties were not notified of the opportunity to examine the proposed bylaw before the hearing or submit comments for the public hearing that would have enlightened the process. It created the misleading appearance to Lancaster residents that there was no objection from Leominster and Lunenburg, when in fact they simply were not notified as required by law. (I specifically remember my surprise that there was no input from Lunenburg residents, or concern from Leominster.) Objections (or support) from the unnotified parties would have become part of the public record at the hearing and certainly would have been relayed to the town via the Planning Boards report after that hearing. Most importantly, it prevented the public from becoming aware of obstacles that would have had an impact on how Article 3 could ultimately be applied.

For these reasons, among others, I am submitting this claim that the referenced defect in notice for the June 8th, 2022 Planning Board Hearing was misleading and/or prejudicial.

Sincerely,



Russell W. Williston