

**WARRANT FOR
ANNUAL TOWN MEETING
FOR FISCAL YEAR 2021
JUNE 22, 2020
THE COMMONWEALTH OF MASSACHUSETTS**

Worcester, ss.

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

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lancaster qualified to vote in the elections and Town affairs, to meet at **Mary Rowlandson Luther Burbank School, 103 Hollywood Drive, in said Lancaster on Monday, the twenty-second day of June, 2020, at 5:30 o'clock in the evening**, then and there to act on the following Articles:

**ARTICLE 1
Finance Committee
Board of Selectmen**

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, from the Omnibus Operating Budget, by borrowing, by transfer from Overlay Surplus, by transfer from fund balance reserved for school debt, or any combination thereof; to defray the expenses of the Town for the Fiscal Year beginning July 1, 2020, or act in any manner relating thereto.

The Budget for Fiscal Year 2021 will be available at Town Meeting
The Finance Committee will make a recommendation from the floor.

Summary: *This article presents the proposed omnibus operating budget for the Town for FY2021, together with prior year appropriations and actual expenditures for comparison.*

**ARTICLE 2
Water Enterprise Fund
Board of Public Works**

To see if the Town will vote to appropriate **\$1,094,159** (One Million Ninety-Four Thousand, One Hundred Fifty-Nine Dollars) from the Water Enterprise Fund to finance the operation of the Water Department for the fiscal year beginning July 1, 2020 (*detail below*), or act in any manner relating thereto. The operating expenses for the Water Enterprise are entirely funded by water revenue.
The Finance Committee will make a recommendation from the floor

I. Water Enterprise Revenues	
User Charges	\$1,079,159
Connection Fees	\$15,000
Water Enterprise Available Funds	0
Investment Income	0
Total Revenues	\$1,094,159
II. Costs Appropriated in the Enterprise Fund	
Salaries and Wages	\$275,272
Expenses	\$385,939
Reserve Fund	\$0
Debt Principal	\$290,000
Debt Interest	\$142,948
Indirect Costs to General Fund	0
Total Costs Appropriated in E. F.	\$1,094,159

Summary: This article presents the proposed Water Operating Budget for the Town for FY2021. A majority vote is required for passage of this article.

ARTICLE 3
Finance Committee
Board of Selectmen

To see if the Town will vote to appropriate **\$143,000** (One Hundred Forty-Three Thousand Dollars) from the Renewable Energy Enterprise Fund to finance the operation of the Landfill Solar Array for the fiscal year beginning July 1, 2020 (*detail below*), or act in any manner relating thereto. The operating expenses for the Renewable Energy Enterprise Fund are entirely funded by solar array revenue. ***The Finance Committee will make a recommendation from the floor***

I. Renewable Energy Enterprise Revenues	
Sale of Solar Energy Certificates	\$127,000
Qualified Energy Bond Subsidy	\$16,000
Total Revenues	\$143,000
II. Costs Appropriated in the Enterprise Fund	
Maintenance Expenses	\$25,600
Debt Principal and Interest	\$117,400
Total Costs Appropriated in E. F.	\$143,000

Summary: This article presents the proposed Renewable Energy Operating Budget for the Town for FY2021. A majority vote is required for the passage of this article.

ARTICLE 4
Finance Committee
Board of Selectmen

To see if the Town will vote to request the Board of Assessors to commit \$20,000 (Twenty Thousand Dollars) from the FY2021 Overlay Account for Abatements to fund the Senior Citizen Tax Work-off Abatement Program, or act in any manner relating thereto. ***The Finance Committee will make a recommendation from the floor***

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

ARTICLE 5
Nashoba Regional School District

To see if the Town will approve an amount not to exceed \$1,500,000. borrowing authorized by the Nashoba Regional School District, for the purpose of paying costs of a design and feasibility study for the purpose of a building/modernization project of Nashoba Regional High School, 12 Green Road, Bolton, MA 01740, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the Nashoba Regional High School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

Summary: *This article presents the NRSD's requests for paying costs for the design & feasibility study for purpose of a building/modernization project of Nashoba Regional High School.*

Article 6
Pay Bills of Prior Fiscal Year
Finance Committee
Board of Selectmen

To see if the Town will vote to transfer Six Thousand Five Hundred Seventy-Two Dollars (\$6,572) from available funds to pay unpaid bills from Fiscal Year 2019 (detail below), or act in a manner relating thereto.

<u>Department</u>	<u>Vendor</u>	<u>Amount</u>	<u>Date</u>	<u>Purpose</u>
General Insurance	Braley & Wellington	\$6,222.00	8/13/18	Insurance
Police Department	Impact Fire	\$ 350.00	6/19/19	Sprinkler Service

The Finance Committee will make a recommendation from the floor

Summary: *This article presents invoices received after Fiscal Year payments were due*

Article 7
Remove Police from Civil Service
Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to exempt all positions in the police department from the Civil Service Law, c. 31, as set forth below; provided, however, that General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or act in any manner relating thereto.

AN ACT EXEMPTING CERTAIN POSITIONS OF THE POLICE DEPARTMENT OF THE TOWN OF LANCASTER FROM THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, all positions in the police department of the town of Lancaster shall be exempt from chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of a person holding a position described in section 1 on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

Summary: This article presents a petition to the General Court for special legislation to remove Police from Civil Service.

ARTICLE 8
Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to acquire the property and structures thereon located at 0 Old County Road (Map 29 Lot 20) for general municipal purposes; to raise and appropriate, transfer from available funds, or borrow the sum of Eighty-Six Thousand Dollars (\$86,000) to fund such acquisition, such amount to be reduced by the amount of any grant funds received for and/or applicable to this acquisition; and further, to authorize the Board of Selectmen to execute and record all documents and instruments related thereto; or act in any manner relating thereto.

Summary: This article presents the purchase of Atlantic Union College 28 Acres for the Forest Land Acquisition.

ARTICLE 9
Planning Board

To see if the Town will vote to amend the Zoning Bylaw, Section 220-8.7 Integrated Planning Overlay District (IPOD), as follows:

- 1) Delete Section 220-8.7.B.(6) in its entirety and replace it with the following:

Residential uses shall not be required, but if included shall not comprise more than 75% of the gross floor area planned within any Integrated Plan.

2) Add the following new Section F:

F. Waivers. The Planning Board may waive the compliance with any IPOD requirements upon a finding that the waiver is in the public interest and not inconsistent with the intent of this IPOD bylaw.

Or act in any manner relating thereto

ARTICLE 10
Board of Selectmen

To see if the Town will vote to transfer from the board or officer currently having control for current purpose for which the property is held to the Board of Selectmen, for the purpose of disposition by lease, sale, or otherwise, the care, custody, management and control of the property and structures thereon known as the Memorial Elementary School, located on 695 Main Street and shown on the Assessors' Maps as map 31, parcel 94; and to authorize the Board of Selectmen to rent, convey, or otherwise dispose of all or a portion of said property pursuant to the provisions of G.L. Chapter 30B, Section 16 upon such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town; and further to authorize the Board of Selectmen to take such actions and execute such documents and agreements as are necessary to effectuate the purpose of this article; or take any other action relative thereto.

Summary: This articles presents the Board of Selectmen may declare as surplus and available for disposition by lease the inactive Memorial Elementary School Building.

ARTICLE 11
Community Preservation Act

To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property and the fiscal year in which such surcharge shall commence; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action relative thereto.

Summary: This article presents acceptance of the provisions of Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act

ARTICLE 12
Affordable Housing Trust Creation

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and establish a trust known as the Lancaster Affordable Housing Trust Fund, whose purpose shall be to provide for the preservation and creation of affordable housing in the Town of Lancaster for the benefit of low and moderate income households, and, further, to amend the General Bylaws of the Town to insert a new Chapter _____ of the Lancaster Town Code entitled: Affordable Housing Trust Fund, as follows, or act in any manner relating thereto:

Chapter ____ Affordable Housing Trust Fund

§ X-1	Authority; establishment.
§ X-2	Purpose.
§ X-3	Composition.
§ X-4	Declaration of Trust.
§ X-5	Powers.
§ X-6	Acts of Trustees.
§ X-7	Funds paid to Trust.
§ X-8	Meetings; quorum.
§ X-9	Custodian of funds.
§ X-10	Liability.
§ X-11	Taxes.
§ X-12	Governmental body.
§ X-13	Board of Town.
§ X-14	Compensation of Trustees.
§ X-15	Amendments.
§ X-16	Duration of Trust.
§ X-17	Annual Town Report

§ X-1 Authority; establishment.

Pursuant to the authority of G.L. c.44, §55C, there is hereby created a local municipal affordable housing Trust fund to be known as the "Lancaster Affordable Housing Trust Fund" (hereinafter "the Trust").

§ X-2 Purpose.

The purpose of the Trust shall be to provide for the preservation and creation of affordable and community housing in the Town of Lancaster for the benefit of low and moderate income households and for the funding of community housing, as defined in and in accordance with the provisions of the Community Preservation Act, G.L. c. 44B ("Chapter 44B").

§ X-3 Composition.

There shall be a Board of Trustees of the Lancaster Affordable Housing Trust Fund (the "Board"), composed of one ex officio non-voting member and five (5) voting members. The Town Administrator or the Town Administrator's designee shall serve as the ex officio member. The voting members shall include: a member of the Board of Selectmen (chosen by the Board of Selectmen) and four (4) members appointed by the Board of Selectmen. Members must be residents of the Town of Lancaster.

The Board of Selectmen shall appoint the Trustees for terms not to exceed two (2) years (except if a person is appointed as a representative of a board or committee, in which case his or her term shall terminate upon the sooner vacating of the underlying office), provided, however, that the term of three (3) of the initial Trustee appointments shall be one year, so as to allow staggered terms. Trustees may be re-appointed at the discretion of the Board of Selectmen and there are no limits on the number of terms that a Trustee can serve. Vacancies shall be filled by the Board of Selectmen for the remainder of the unexpired term, notice of which shall be filed with the Town Clerk. The title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. The Trustees shall annually elect a Trustee to serve as Chair.

Any member of the Board of Trustees may be removed by a vote of the Board of Selectmen for cause after the opportunity of a properly noticed public hearing. For purposes of this bylaw, the term "cause" shall include, but not be limited to, each of the following: violation of any local, state, or federal law; incapacity to perform the duties of a Trustee; and acts of a Trustee, that in the opinion of the Board of Selectmen, are negligent or detrimental to the Town or the Trust; or

four (4) consecutive absences from Board of Trustees meetings. Any Trustee may resign by filing with the Town Clerk written notice thereof.

§ X-4 Declaration of Trust.

The Trustees are hereby authorized to execute a Declaration of Trust and Certificates of Trust for the Lancaster Affordable Housing Trust Fund, to be recorded with the Worcester District Registry of Deeds and filed with the Worcester Registry District of the Land Court.

§ X-5 Powers.

The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in G.L. c.44, §55C, and inclusive of any future amendments to that section, and shall include the following:

A.

To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any Bylaw or any general or special law or any other source, including money from Chapter 44B; provided, however, that any such money received from Chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said Chapter 44B are reported to the Community Preservation Committee for inclusion in the community preservation initiatives report, form CP-3, to the Department of Revenue;

B.

To purchase and retain real or personal property, including, without restriction, investments that yield a high rate of income or no income;

C.

To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;

D.

To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements, and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;

E.

To employ advisors and agents, such as consultants, accountants, appraisers and lawyers, full-time or part-time staff, and to contract for administrative and support goods and services, as the Board deems necessary;

F.

To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;

G.

To apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation, depletion or otherwise;

H.

To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

I.

To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;

J.

To carry property for accounting purposes at other than acquisition date values;

K.

With Town Meeting approval, to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge Trust assets as collateral;

L.

To make distributions or divisions of principal in kind;

M.

To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of G.L. c. 44, §55C, to continue to hold the same for such period of time as the Board may deem appropriate;

N.

To manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;

O.

To hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate;

P.

To extend the time for payment of any obligation to the Trust; and

Q.

To exercise such additional powers consistent with the provisions of this Bylaw and G.L. c.44, §55C, as such section may be amended from time to time..

§ X-6 Quorum: Acts of Trustees.

Three (3) voting Trustees shall constitute a quorum and shall also be required to approve any motion. An affirmative vote of three (3) voting Trustees is required to exercise any or all of the powers of the Trustees hereunder, unless otherwise provided, and three (3) voting Trustees may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate. Any borrowing by the Trust shall require the prior approval of the Lancaster Town Meeting.

§ X-7 Funds paid to Trust.

Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any zoning Bylaw, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further

appropriated to be expended. All moneys remaining in the Trust at the end of the fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the Trust, remain Trust property.

§ X-8 Meetings.

Meetings of the Board shall be held on a regular basis. Special meetings may be called by the Chairperson or two Trustees. A Trust is a governmental body for purposes of G.L. c.30A, §§18 through 25, the Open Meeting Law; notice of any meeting of the Trust Fund shall be filed with the Town Clerk and posted in accordance with the Open Meeting Law. Minutes of all meetings shall be kept in accordance with the provisions of the Open Meeting Law, G.L. c.30A, §22. While a majority of the full Board shall constitute a quorum for the transaction of any business, less than a quorum may, subject to the requirements of the Open Meeting Law, continue a meeting to a time, date and place certain.

§ X-9 Custodian of funds.

The Town of Lancaster's Treasurer/Collector shall be the custodian of the Trust's funds and shall maintain separate accounts and records for such funds. The Treasurer/Collector shall invest the Trust's funds in the manner authorized by law. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust Fund. In accordance with G.L. c.44, §55C, the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices or take any other action relative thereto. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Board of Selectmen.

§ X-10 Liability.

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town. The Trust is a public employer and the members of the Board are public employees for the purposes of G.L. c.268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for purposes of G.L. c.268A.

§ X-11 Taxes.

The Trust is exempt from G.L. c.59 and G.L. c.62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth of Massachusetts or any political subdivision thereof.

§ X-12 Governmental body.

The Trust is a governmental body for purposes of the Open Meeting Law, G.L. c.30A, §§18-25.

§ X-13 Board of Town.

The Trust is a board of the Town of Lancaster for the purposes of G.L. c.30B and G.L. c.40, §15A, but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from said G.L. c.30B.

§ X-14 Compensation of Trustees.

Trustees shall not receive a salary, stipend, bonus or other means of compensation for their service as a Trustee, nor shall they be eligible for any benefits from the Town of Lancaster. Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses. All such out-of-pocket expenses shall be fully documented with receipts for expenses prior to payment by the Trust.

§ X-15 Amendments.

The provisions of this Trust can only be amended by a vote of the Lancaster Town Meeting.

§ X-16 Duration of Trust.

This Trust shall be of indefinite duration until terminated by a vote of the Lancaster Town Meeting. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust

shall be transferred to the Town of Lancaster and held by the Board of Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof to the Town of Lancaster. The powers of the Trustees shall continue until the affairs of the Trust are concluded. Once the Lancaster Town Meeting has voted to terminate the Trust, the Board of Selectmen shall have the power to approve all financial transactions made on behalf of the Trust.

§ X-17 Annual Report.

The Trustees shall prepare an annual report describing the activities of the Trust on a calendar year basis. The annual report shall be submitted to the Lancaster Board of Selectmen by February 12th of each year. The annual report shall list all financial transactions conducted by the Trust including all revenues and costs, provide a balance sheet of liabilities and assets of the Trust, list an inventory of all affordable housing units created, sold, and/or managed by the Trust, and any other pertinent information related to the business of the Trust.

Summary: This article presents the acceptance of the provisions of Massachusetts General Laws Chapter 44, Section 55C, and establish a trust known as the Lancaster Affordable Housing Trust Fund and amend the General Bylaws of the Town to insert a new Chapter entitled Affordable Housing Trust Fund.

<p>ARTICLE 13 Citizens Petition Scenic Roads</p>

To see if the Town will vote to adopt general regulations for scenic roads as described in the attached document titled "Chapter 157. Scenic Roads". The Town has a list of 31 scenic roads that were approved by residents at town meetings in 1987 and 1989, but it does not have any corresponding rules describing purpose, procedures, notification, authorities, or enforcement for these roads.

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

The proposed regulation provides procedures applicable to the existing 31 scenic roads as well as any new roads that the Conservation Commission, Historical Commission, or the Planning Board may designate in the future in accordance with MGL Chapter 40, Section 15C. It also provides a place to maintain the Town's official list of designated scenic roads.

The bylaw allows the Tree Warden to determine whether public hearings for work along designated roads is required and provides a process for notification and facilitation of those hearings.

The proposed Scenic Roads bylaw was composed using examples of established regulations from the nearby towns of Groton, Harvard, and Sterling who adopted their rules in 2005, 2008, and 2004, respectively. In addition, the bylaw has been reviewed at public hearings held by the Conservation Commission, Historical Commission, and the Planning Board.

Comments and concerns from the town boards directly involved with the bylaw have been incorporated in the attached final draft. In addition, the input from several interested Lancaster residents has been received and considered in the preparation of the document. It has been endorsed by the Conservation Commission and the Historical Commission, and the Planning Board has given its feedback.

Adoption of this bylaw will provide the necessary rules for thoughtful administration of Lancaster's scenic roads.

Chapter 157. Scenic Roads

[Adopted by the Annual Town Meeting of the Town of Lancaster on X-XX-2020]

§ 157-1. Purpose.

In order to preserve the qualities and character of the Town of Lancaster public ways, the roads, streets and ways set forth in § 157-4 below are designated as scenic roads under the provisions of Massachusetts General Laws (MGL), Chapter 40, Section 15C as follows:

- A. The Town of Lancaster adopts the provisions of Massachusetts General Laws Chapter 40, Section 15C, as amended, which provides, in part, that any repair, maintenance, reconstruction, or paving work done with respect to any road, as defined in § 157-2 of this chapter, designated as a scenic road in § 157-4 of this chapter, shall not involve or include the cutting or removal of trees, or the tearing down, destruction, or alteration of stone walls or portions of stone walls within the right-of-way of a designated scenic road, except with prior written consent of the Planning Board after a public hearing.
- B. The Planning Board shall consider, among other things, the public safety, scenic views, preservation of historic and regional characteristics, and preservation and enhancement of natural and aesthetic qualities of the environment.
- C. The Planning Board shall seek to encourage environmentally sensitive development along the town's designated scenic roads as well as to develop the growth of shade trees along such roads to reduce the growth of underbrush and thereby reduce the cost of maintenance.
- D. After public notice and public hearing, the Planning Board may enact rules to accomplish the purposes of this bylaw, effective when voted and filed with the Town Clerk. Failure by the Planning Board to promulgate such rules or a legal declaration of their invalidity by a court of law shall not operate to suspend or invalidate the effect of this bylaw.

§ 157-2. Definitions.

The following definitions shall apply in the interpretation of this bylaw:

CUTTING OR REMOVAL OF TREES

The removal of one or more trees, trimming of major branches, or cutting of roots sufficient in the Tree Warden's written opinion to cause eventual destruction of a tree. However, such cutting or removal shall not be construed to include clearing of nuisance growth, routine or emergency tree maintenance which removes only permanently diseased or damaged limbs, trunks or roots and dead whole trees, or thinning out of overcrowded trees as determined by the Tree Warden, but shall include such cutting or removal done in contemplation of, or following the repair, maintenance, reconstruction or paving work for a road.

REPAIR, MAINTENANCE, RECONSTRUCTION, OR PAVING WORK

Any such work done within the right-of-way by any person or agency, public or private, including, but not necessarily limited to, any work on any portion of any right-of-way, which was not physically commenced at the time the road was designated as a scenic road; and the construction of any new driveway or private way or the alteration of any existing driveway or private way in so far as such alteration takes place within the right-of-way when such work involves the cutting down of trees or the destruction of stone walls.

RIGHT-OF-WAY

The area on and within the boundaries of the public way. If the boundaries are unknown, any affected trees or stone walls shall be presumed to be within the public right-of-way until shown to be otherwise.

ROAD

The entire right-of-way of a way used for vehicular travel and appurtenant structures and facilities including, but not limited to bridge structures, drainage systems, retaining walls, traffic control devices, sidewalks, pedestrian facilities, and the air space above them, but not intersecting streets or driveways.

PUBLIC SHADE TREE

Includes living trees within a public way or boundary thereof as defined in MGL Chapter. 87, Section 1, the Shade Tree regulation.

STONE WALLS

Includes assemblages of stone involving at least one cubic foot of wall material per linear foot totaling not less than 10 feet in length.

TEARING DOWN OR DESTRUCTION OF STONE WALLS

The defacement, removal, physical covering (other than naturally occurring plant covering), or rearrangement of a stone wall, or any portion thereof, as defined herein for any purpose other than repair or maintenance.

TEMPORARY REMOVAL OF STONE WALLS

The temporary removal and replacement of a stone wall, or any portion thereof, at the same location with the same materials. This is permitted without Planning Board consent, but only if the Lancaster Department of Public Works is notified before the work begins so it can confirm that the wall is properly replaced. Restoration to the original dimensions and location must be completed within 90 days of commencement of work.

TREE

Includes any living tree whose trunk has a diameter of four inches or more as measured four feet from the ground. All trees so defined within the right-of-way of a designated scenic road, or on the boundaries thereof, shall be subject to this bylaw. If, for whatever reason, it is uncertain as to whether a tree is within the right-of-way of a designated scenic road, it shall be presumed to be subject to the provisions of this bylaw and the provisions of Massachusetts General Laws Chapter 40, Section 15C until the contrary is

shown. Nothing in this definition shall be construed to permit a person, other than the Tree Warden or his deputy, to trim, cut down or remove a public shade tree.

§ 157-3. Designation of Scenic Roads.

- A. Designation of Scenic Roads.** As provided by MGL C. 40, S 15C, The Planning Board, the Conservation Commission, and the Historical Commission may propose "scenic road" status for any road in Lancaster.
- B. Criteria for Designation.** In determining which roads or portions thereof should be recommended for designation as scenic roads, the following criteria shall be considered:
- 1) Maintaining the overall scenic beauty and vistas of the proposed road,
 - 2) Contribution of trees and stone walls along the road to scenic beauty,
 - 3) Enhancement of the rural, agricultural, or historical qualities and character of the town,
 - 4) Preservation of aesthetic, cultural, natural, or environmental conditions along the road,
 - 5) Age and historic significance of the roads, trees, and stone walls,
 - 6) Proximity to features such as historic structures, bridges, landscapes, and cemeteries,
 - 7) Road features such as historic layout, surface materials, carriage width, use restrictions and bridges.
- C. Public Hearing.** The Planning Board shall hold a public hearing on the proposed road(s), notifying the Select Board, the Tree Warden, the DPW Superintendent, the Conservation Commission, and the Historical Commission. The hearing shall be advertised twice in a newspaper of general circulation in the area; the first advertisement at least fourteen (14) days prior to the date of the hearing.
- D. Endorsement and Recommendation.** The Board or Commission proposing the designation(s) shall prepare the warrant article for the Town Meeting and present it along with their endorsement. The Planning Board shall make a recommendation at the Town Meeting on the merits of designation of the proposed road(s) as a scenic road(s).
- E. Town Meeting Approval.** For each road, a majority vote at the Town Meeting is required for Scenic Road designation. Designations shall be effective as of the date of Town Meeting action. Any work on any portion of the right-of-way of a scenic road, which was not physically commenced at the time the road was designated, shall conform to these regulations.

§ 157-4. Designated Scenic Roads.

The following Town of Lancaster roads, streets and ways have been designated as Scenic Roads:
Bolton Road:

Bolton Station Road
Brockelman Road
Buttonwood Lane
Center Bridge Road
Chace Hill Road
Creamery Road
Deershorn Road
Fort Pond Road

George Hill Road
Goss Lane
Harvard Road (from Packard Street to (Pine Hill Rd) Seven Bridge Road)
Hilltop Road
Ice House Road
Lancaster Road
Langen Road
Lunenburg Road – north of Route 2
Mill Street
Neck Road
Old Common Road
Otis Street
Old Union Turnpike
Packard Street
Parker Road
Ponakin Road – from Lunenburg Road to North Main Street
Redstone Hill Road
Route 70 (from the southerly boundary of Lancaster, through Lancaster, to the northerly boundary of Lancaster)
Seven Bridge Road and a portion of Main Street designated as Route 117 (from the easterly boundary of Lancaster to the westerly boundary of Lancaster)
South Meadow Road
Shirley Road
Sterling Road

At the Annual Lancaster Town Meeting of May 5, 1987 (Article 58) the balance of the roads on the above list were designated scenic roads.

At the Annual Lancaster Town Meeting of May 1, 1989 (Article 29) sections of Seven Bridge Road (Route 117), and Main Street (Route 70) were designated scenic road

§ 157-5. Exemptions and Exceptions.

- A. For tree removal.** A scenic road consent is not required when the Tree Warden acts in an emergency in accordance with MGL C. 87 to remove dead or damaged trees or limbs of trees, which may cause obstruction to public travel or a dangerous situation with respect to utility lines.
- B. For stone wall removal.** A scenic road consent is not required for the temporary removal and replacement of a stone wall at the same location with the same materials, but only if the Lancaster Department of Public Works (DPW) Superintendent is notified before the work begins so that it can confirm that the wall is properly replaced.

§ 157-6. Design Standards.

- A.** The written approval of the Tree Warden and the Planning Board is required for the removal of any and all trees within the right-of-way of designated scenic roads, except as defined in Section 157-2 (Cutting and Removal of Trees), and noted in Section 157-5 above. The Tree Warden shall determine whether an application and public hearing is required under Section 157-8, Procedures, within 14 days of receipt of the application.

B. Except as noted in Section **157-5** above, the written approval of the DPW Superintendent and the Planning Board is required for the modification or removal, temporary or otherwise, of stone walls located within the right-of-way of designated scenic roads as defined in Section **157-2** above. The DPW Superintendent shall determine whether an application and public hearing is required under Section **157-8**, Procedures, within 14 days of receipt of the application.

- 1) Where stone walls exist, the maximum amount of stone wall to be removed is 24 feet for a driveway and six feet for a walkway.
- 2) Removed stone shall be used to repair other sections of the existing wall along the road;
- 3) Stone wall sections to be removed for a driveway shall not exceed the driveway width by more than three feet on each side for a total not to exceed 24 feet; and
- 4) No wall shall be cut without construction of an appropriate terminus. Appropriate end points are required and consist of a stone wall with tapered ends turning back onto the lot along the drive, stone piers, granite post, or wooden post (with or without a gate).

§ 157-7. Applications and Fees.

- A. A written application shall be filed with the Planning Board to perform activities affecting areas protected by this bylaw as described in Sections 157-1 and 157-2 above. The application shall include such information and plans as are deemed necessary by the Planning Board to describe proposed activities and their effects on the areas. No activities shall commence without receiving and complying with written consent issued pursuant to this bylaw.
- B. At the time of an application, the applicant shall pay a filing fee as specified on the Scenic Road Consent Application.
- C. The Planning Board may waive the filing fee and costs and expenses for an application filed by a government agency, Town departments, a not-for-profit conservation organization, or a non- governmental organization working the interest of the Town.

§ 157-8. Procedures.

A. Filing Requirements.

- 1) When deemed necessary by the Tree Warden, DPW Superintendent, or Building Inspector, any person, organization, state or municipal agency seeking the written consent of the Planning Board regarding the cutting or removal of trees or the tearing down or destruction of stone walls, or portions thereof on a scenic road shall file a request with the Planning Board together with the following:
 - a) A written description and plans or drawings showing the location and the nature of the proposed disturbance area. The location description should enable readers to locate it with reasonable specificity on the ground without the need for additional plans or references.
 - b) A statement explaining the purpose and need for the cutting or removal of a tree(s) and the identification of said tree(s) or the tearing down or destruction of stone walls, or portions thereof, in the proposed disturbance area.
 - c) A statement outlining possible alternatives, proposed compensatory actions, and mitigation measures including restoration, to the proposed cutting or removal of a tree(s) or the tearing down or destruction of stone walls, or portions thereof.

- d) A list of abutters certified by the Assessors' office.
 - e) Except in the case of Town agencies, a scenic road consent fee as specified on the Board's application form made payable to the Town of Lancaster.
 - f) Photographs of all stone walls and trees within and adjacent to the proposed disturbance area prior to any work.
 - g) Any other explanatory material useful to adequately inform the Board and Tree Warden prior to the public hearing.
- 2) In the event the tree removal or stone wall destruction is related to construction of a subdivision or development subject to site plan review, the applicant shall submit an application under this section concurrently with the application for subdivision or site plan approval.
 - 3) Notice of submittal shall be filed with the Planning Board and a copy of the submittal transmitted to the Tree Warden and Town Clerk after it is accepted and signed by the Planning Board.

B. Notification.

- 1) The Planning Board and Tree Warden shall, as required by statute, give notice of its public hearing by twice advertising in a newspaper of general circulation in the area, with the first publication of the notice to be at least 14 days prior to the hearing and the last seven days prior to the hearing. Copies of the notice shall be sent to the Select Board, Conservation Commission, Historical Commission, and the Tree Warden.
- 2) The Planning Board and Tree Warden may also require a sign to be posted on the property at least 14 days prior to the public hearing. This sign shall not exceed three square feet in size and be posted in the location clearly visible to the public with the date, time and location of the public hearing
- 3) The applicant will be required to pay a local newspaper of general circulation for the current cost of advertising the hearing. The applicant will be billed directly from the newspaper for the cost of the advertised hearing.
- 4) Descriptions of the proposed work provided by the applicant in parts 1) a) and 1) b) of Section 7. A. above shall be used to compose the notice for advertising.

C. Considerations. The Planning Board may consider the following in determining whether to grant a consent:

- 1) Public safety, including accident history within 500 feet of trees and stone walls at issue.
- 2) Scenic and aesthetic characteristics of the area, quality, extent of shade and tree canopy and compatibility with the surrounding neighborhood.
- 3) Preservation and enhancement of natural, historical, cultural and environmental conditions.
- 4) Comments contributed by the Tree Warden, other Town boards, abutters and other interested parties.
- 5) Other sound planning principles and considerations.

D. Public Hearing. Before the Board can decide on an application for a scenic road consent, a public hearing must be held. The Board may hold a joint hearing with the Tree Warden. If a joint hearing is held, the notice of the hearing shall indicate that it is a joint hearing of the Board and the Tree Warden.

E. Period for Action.

- 1) The Board shall hold a public hearing within 45 days from the date the application is received by the Board unless a longer period of time is agreed to by the applicant.
- 2) The Board shall render a decision to issue or deny a scenic road consent no later than 45 days after the close of the public hearing.

F. Filing a Decision. Within 14 days of its vote, and prior to the end of the forty-five-day period, the Board shall file a copy of its decision with the Town Clerk.

§ 157-9. Appeals.

A decision of the Planning Board shall be reviewable in the Superior Court in accordance with Massachusetts General Laws (MGL), Chapter 249, Section 4.

§ 157-10. Enforcement; Violations and penalties.

This bylaw shall be administered and enforced by the Planning Board, the Building Inspector, DPW Superintendent, and the Tree Warden. Enforcing officials may issue a citation for the violation of this bylaw and shall take appropriate action in the name of the Town of Lancaster to prevent, correct, restrain or abate such violations.

- A. Violators shall be subject to a fine of \$150 per violation for the first offense and \$300 per violation for all subsequent offenses as allowed by MGL C. 40, S 15C.
- B. With regard to public shade trees, Violators may be fined up to \$500 per violation per MGL Chapter 87, Section 6.
- C. The unauthorized cutting or removal of each tree as defined in Sections 157-2 and 157-10A above shall be considered a separate violation of this bylaw and therefore subject to fines for each and every violation.
- D. The tearing down or destruction of each stone wall as defined in Sections 157-2 and 157-10A above shall be considered a separate violation of this bylaw and therefore subject to fines for each and every violation.

§ 157-11. Invalidity.

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or decision, which previously has been issued.

§ 157-12. General References.

The following General Reference from the Town of Lancaster Bylaws shall apply:

Conservation Commission – Chapter 17, Article V

Historic Commission – Chapter 17, Article VI

Planning Board – Chapter 17, Article IV

Subdivision Rules and Regulations – Chapter 301, Article IV, Section 10, Streets

Subdivision Rules and Regulations – Chapter 301, Article IV, Section 13 D., Plantings

ARTICLE 14
Citizens Petition

To ensure independence of thought and decision of the Lancaster Town Planning Board and to ensure independence of thought and decision of the Lancaster Town Board of Appeals, there must be a clear distinction between the approval and appeal decision process. Thus a resident may serve on either board but not on both boards simultaneously

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

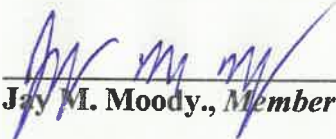
SELECTMEN OF LANCASTER



Walter F. Sendrowski, *Chairman*



Stanley B. Starr, Jr., *Clerk*



Jay M. Moody., *Member*

Date of Execution June 1, 2020

CONSTABLE'S CERTIFICATION

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

Attest:


Constable Signature

Print KYLE W PIERCE

Date: 6-10-20

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

