

**WARRANT FOR
ANNUAL TOWN MEETING
May 4, 2009
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 **Machlan Auditorium, Atlantic Union College, 338 Main Street, in said Lancaster on Monday, the fourth day of May, at 7:10 o'clock in the evening**, then and there to act on the following Articles:

**ARTICLE 1
Water Enterprise Fund
Board of Public Works**

To see if the Town will vote to appropriate \$715,248 (Seven hundred fifteen thousand two hundred and forty eight dollars) from the Water Enterprise Fund to finance the operation of the Water Department for the fiscal year beginning July 1, 2009 (*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 recommends passage of this article.*

I. Water Enterprise Revenues	
User Charges	706,698
Connection Fees	8,550
Water Enterprise Available Funds	0
Investment Income	0
Total Revenues	715,248
II. Costs Appropriated in the Enterprise Fund	
Salaries and Wages	195,776
Expenses	196,757
Capital Outlay – Equipment	25,000
Capital Outlay – Improvements	0
Reserve Fund	0
Debt Principal and Interest	189,285
Cross Connection	0
Budgeted Surplus	8,550
	615,368
Indirect Costs	24,331
Benefits	53,363
Pension Costs	22,186
Total Indirect Costs	99,880
Total Costs Appropriated in E. F.	715,248

ARTICLE 2
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 Water Enterprise Fund, 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, 2009, or act in any manner relating thereto. ***Finance Committee recommends passage of this article.***

The Budget for Fiscal Year 2010 will be available at Town Meeting

ARTICLE 3
Board of Selectmen

To see if the Town will vote to request the Board of Assessors to commit \$15,000 (Fifteen Thousand Dollars) from the FY2010 Overlay Account for Abatements to fund the Senior Citizen Tax Work-off Abatement Program, or act in any manner relating thereto. ***The Finance Committee recommends passage of this article.***

ARTICLE 4
Board of Selectmen

To see if the Town will vote to authorize the following FY-2010 Revolving Funds, in accordance with G.L. c. 44, §53E½, or act in any manner relating thereto: ***The Finance Committee recommends passage of this article.***

REVOLVING FUND	AUTHORIZED TO SPEND FUND	REVENUE SOURCE	USE OF FUND	SPENDING LIMIT	DISPOSITION OF FY09 FUND BALANCE
Council on Aging	Council on Aging	Senior Newsletter Advertising	Newsletter printing/mailling; other activities	\$ 2,000	Balance Available for Expenditures
Stormwater Management	Community Development and Planning	Fees	Engineering fees	\$ 50,000	Balance Available for Expenditures
Library Book Fines	Library Trustees	Late Book & Materials Fines	Books - Materials	\$ 5,125	Balance Available for Expenditures
Library Photocopy	Library Trustees	Patron photocopy fee	Photocopy equipment and supplies	\$ 875	Balance Available for Expenditures
Library Lost Items	Library Trustees	Lost Books/Item replacement charge	Books – Materials	\$ 750	Balance Available for Expenditures
M.A.R.T.	Council on Aging	Reimbursement – M.A.R.T. – Bus fees	Wages and Expenses for Senior Van operation	\$ 45,000	Balance Available for Expenditures
Conservation Consultants	Conservation Commission	Fees from Applicants	Conservation Consulting Services	\$ 20,000	Balance Available for Expenditures
Planning Board	Panning Board	Fees	Planning-related Expenses	\$ 50,000	Balance Available for Expenditures
Community Development Legal Ads	Community Development	Reimbursement for advertising	Legal Ad publications	\$ 2,500	Balance Available for Expenditure
Publications Reprinting	Town Clerk	Publications Fees	Publications reprinting expenses	\$ 2,500	Balance Available for expenditures
Recycling	Recycling Committee	Donations-Fees-Sale of products	Operating Expenses	\$ 15,000	Balance Available for Expenditures
Recreation Committee	Selectmen	Fees	Recreation programs	\$25,000	Balance Available for Expenditures
Library	Library Trustees	Fees/charges	Replacement of materials/supplies	\$ 250	Balance available for Expenditures
Lost/Replacement Cards					

**Article 5
Board of Selectmen**

To see if the Town of Lancaster will approve the establishment of a stabilization fund by the Minuteman Regional Vocational Technical School District, beginning July 1, 2009, under Massachusetts General Law Chapter 71, Section 16G1/2, or take any other action relative thereto. ***The Finance Committee recommends passage of this article.***

**ARTICLE 6
Board of Selectmen**

To see if the Town will vote to adopt the provisions of Massachusetts General Law Chapter 32B Section 18A or act in a manner relating thereto. ***The Finance Committee recommends passage of this article.***

**ARTICLE 7
Board of Selectmen**

To see if the Town will vote to adopt the provisions of Massachusetts General Law Chapter 44 Section 53F1/2 for the Lancaster Water Division or act in a manner relating thereto. ***The Finance Committee recommends passage of this article.***

**ARTICLE 8
Board of Selectmen**

To see if the Town will vote to accept any public funds for repairs to roadways, culverts, bridges, water systems, tree planting, and snow removal, and to authorize the Collector-Treasurer to take from available funds or to borrow in anticipation of authorized reimbursements, or act in any manner relating thereto. ***The Finance Committee recommends passage of this article.***

**ARTICLE 9
Board of Selectmen**

To see if the Town will vote to transfer from available funds or authorize the Treasurer-Collector to borrow in anticipation of reimbursements, a sum of \$234,259.00 (Two-Hundred and Thirty-Four Thousand Two Hundred and Fifty-Nine) for authorized road improvements and other projects provided for under Chapter 90 Local Transportation Aid. The Board of Public Works is authorized to expend funds authorized by this article subject to pre-approval of a plan by the Board of Selectmen and Finance Committee, or act in any manner relating thereto. ***The Finance Committee recommends passage of this article.***

ARTICLE 10
Board of Selectmen

To see if the Town will vote to authorize the Treasurer to enter into a Compensating Balance Agreement(s) for FY2010, pursuant to M.G.L. c.44, §53F, or act in any manner relating thereto.
The Finance Committee recommends passage of this article.

ARTICLE 11
Board of Selectmen

To see if the Town will vote to approve the following bylaw, or act in a manner relating thereto.

Public Consumption of Marijuana or Tetrahydrocannabinol

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined by G.L. c. 94C Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, school house, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through noncriminal disposition pursuant to G.L. c. 40, Section 21D by the Board of Selectmen, Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300.00) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, Section 32L.

ARTICLE 12
Board of Selectmen
Planning Board

To see if the Town will vote to amend the Lancaster Zoning Bylaw as follows, and further that non-substantive changes to the numbering of this bylaw amendment be permitted in order that it be in compliance with the numbering format of the Code of Lancaster, or act in relation thereto.

STEP ONE. ESTABLISH INTEGRATED PLANNING OVERLAY DISTRICT

Amend Section 220-4 Establishment of Districts by adding the following entry at the end thereof:

“IPOD Integrated Planning Overlay District.”

STEP TWO. AMEND DIMENSIONAL REGULATIONS

Amend Article IV Dimensional Requirements by inserting a new footnote referenced to the Article title, to read:

“5. For development within an Integrated Planning Overlay District the requirements of § 220-8.7 B shall govern regarding lot area and frontage, yards, and building dimensions, rather than those contained below in §§ 220 – 10 through 12.”

STEP THREE. INSERT NEW SECTION 220-8.7.

Insert a new Section 220-8.7 to read as follows:

§ 220-8.7 Integrated Planning Overlay District (IPOD)

A. Intent and Applicability.

- (1) The intent of § 220-8.7 Integrated Planning Overlay District (IPOD) is to provide design flexibility and efficiency in the siting of development, services and infrastructure; conserve open space; preserve the rural, historic character of the town; provide for a diversity of lot sizes, building densities and housing choices to accommodate a variety of age and income groups; and to allow the integration of land for residential, rural, recreational, community, retail, service, commercial and industrial uses.
- (2) Integrated Planning Overlay Districts (IPODs) are created on the Zoning Map by Town Meeting vote, just as for any Zoning amendment, except that they overlay rather than replace the zoning districts being overlaid. Applicants for development within the overlay district may choose between following the existing provisions of the district(s) underlying the IPOD or to propose an Integrated Plan and upon its approval to follow it and the IPOD requirements set forth below.

B. Basic Use Requirements.

- (1) Development under IPOD provisions requires special permit approval of an Integrated Plan by the Planning Board for the premises involved.
- (2) All proposed development within an approved Integrated Plan must be consistent with that Plan unless the Integrated Plan Special Permit is subsequently revised making the proposed development consistent or excluding the location from the Plan.
- (3) The minimum site area of an Integrated Plan shall be 10 acres.
- (4) An Integrated Plan may apply to more than a single lot or parcel so long as the lots and parcels are contiguous and either in the same ownership or the application is jointly submitted by owners of each lot or parcel that is included.
- (5) Any use allowed by right or allowable by special permit in at least one of the underlying zoning districts within which the Integrated Plan is located, shall also be allowed by right or allowable by special permit, as the case may be, at any location within that Integrated Plan, including within underlying districts where such use is not otherwise allowed, with the following exceptions:
 - (a) Dwelling units are allowed by right within all Integrated Plans without limitation on form of tenure or structure type, including single family, two-family or multi-family.
 - (b) Retail, service, and office uses permitted or allowed by special permit in the Light Industry (LI) District are allowed within an Integrated Plan regardless of whether the Integrated Plan includes any portion of the LI or other district allowing that use provided that no enterprise allowed only by this exception may exceed 35,000 gross square feet in floor area unless the Planning Board, in acting on the Integrated Plan special permit, finds that the use is functionally supportive of or supported by other existing or planned uses within the Integrated Plan, and in no event may the enterprise exceed 75,000 gross square feet in floor area or be contained within a building that exceeds 75,000 gross square feet in floor area.
 - (c) Hotel, motel or inn, and commercial indoor amusement or recreation place or place of assembly, are allowed by right within all Integrated Plans.
 - (d) Medium or heavy industrial uses not allowed in a Light Industry District per Section 220-9.E (4) are expressly prohibited in the IPOD Districts.
- (6) Residential uses shall comprise not less than 25% and not more than 75% of the gross floor area planned within any Integrated Plan.
- (7) Not less than 10% of the Integrated Plan area disturbed by development shall be devoted to pedestrian walks or plazas and landscaping, and not less than 20% of the land area of the Integrated Plan shall be open space meeting the requirements of Section 220-15.C.

C. Design Requirements.

- (1) The applicant must demonstrate to the satisfaction of the Planning Board that the amount and mix of types of development and the travel demand management efforts such as car-pooling proposed for the Integrated Plan will result in generation of no more than 15 auto trip ends per acre of site area in the Plan Area as a whole in the weekday afternoon peak traffic hour, as measured on the streets that provide access to the Plan area, net of pass-by trips and adjusted for estimated non-auto trips, such as walking among uses within the IPOD.
- (2) The allowed number of trip ends within an Integrated Plan may be increased above 15 per acre by the number by which potential trip ends on other land within the IPOD has been reduced below the limit of 15 trip ends per acre through a restriction enabled by the developer(s) of the benefiting Integrated Plan through purchase, restriction, or other means, made enforceable by the Town through, among other things, a condition in the Integrated Plan special permit.
- (3) The number of dwelling units allowable within the Plan shall be calculated in the same manner as the number of residential building lots allowed under Section 220-15 Flexible Development, including bonuses under Section 220-15.B(2). The Basic number of allowable dwelling units shall equal one dwelling unit per acre of lot area within the entire Integrated Plan, including lot area devoted to non-residential uses, but exclusive of streets. The Integrated Plan shall document how that allowable total is to be distributed among lots within the Plan, including documentation of the minimum lot area per dwelling unit on each proposed lot, which may vary among locations within the Plan.
- (4) Rights to development of dwelling units may be transferred as provided at Section 220-15.B(3), but if such transfer takes place among lots within the IPOD then the approval criterion for such transfer shall be that the transfer must be consistent with an approved Concept Plan (Section 220-8.7 C), instead of the criteria contained in Section 220-15.B(3).
- (5) There is no minimum lot area requirement for non-residential uses, unless such a requirement is called for in the approved Integrated Plan.
- (6) Building height shall not exceed six (6) stories or, if more restrictive, seventy (70) feet unless in acting on the Integrated Plan special permit the Planning Board determines that the proposed height is consistent with the intent of IPOD zoning, is essential to the Integrated Plan design, and will have no adverse effect on the surrounding neighborhood, taking into consideration:
 - Height relative to that of the tree crown on nearby land;
 - Height of other existing or planned nearby structures;
 - Distance from the Integrated Plan boundary;
 - Appropriateness of any resulting building prominence in light of the functional or symbolic role of the structure;
 - Shadowing or loss of privacy on nearby properties, whether or not within the Integrated Plan; and
 - Whether the increased height is necessary for the building to be developed;

Rooftop mechanical equipment and its height shall be shown on special permit plan submittals, and shall be selected, located, and if necessary screened in order to achieve harmonious integration with the building design.
- (7) Yards abutting the perimeter of the Integrated Plan must comply with the yard requirements applicable in the underlying basic districts, except for the following:
 - (a) No portion of a building having a building height in excess of 35 feet shall be located closer to the perimeter of the Integrated Plan than a distance equal to its height above mean grade.
 - (b) District boundary planting as specified at Section 220-37.F and G of the Lancaster Zoning Bylaw shall be provided where non-residential uses in an Integrated Plan abut a Residential district, with a depth of not less than 100 feet.

- (8) Other dimensional standards shall be as provided in the approved Integrated Plan pursuant to §220-8.7 C, rather than those stated in Article IV Dimensional Regulations, and may include measures not otherwise used under Lancaster Zoning, such as limits on the allowed ratio of gross floor area to lot area ("floor area ratio" or "FAR").
- (9) Parking.
 - (c) The number of parking spaces for each use shall be as required by § 220-23 Minimum Number of Spaces, or as may be modified by Special Permit under that Section.
 - (d) Legal on-street parking spaces within the Overlay District and adjacent to the premises of the use or uses that they could serve may be included in satisfying the parking requirement.
 - (e) Access to parking shall be shared with adjacent premises whether in or adjacent to the Integrated Plan where feasible, subject to the provisions of § 220-22, and shall be located so as to minimize interruptions of pedestrian movement along business-oriented streets.
- (10) A building or portion of a building with massing of more than 75 feet in length must be visually broken into smaller elements with variations among them in height, roof form, wall plane setbacks, entrance orientation, materials, or other means.

D. Phasing

Any Integrated Plan involving a total of more than 1,000,000 square feet gross floor area summed over all buildings proposed must be developed in stages of not more than 600,000 square feet gross floor area each. Prior to initiation of development in the second phase, a report must be submitted to the Planning Board providing data on the following development outcomes to that point, together with comparisons with the outcomes anticipated in the application materials and resulting special permit.

- (1) Acres of land subject to open space restrictions;
- (2) Acres of land physically altered for development;
- (3) Total floor area of buildings given occupancy permits, reported by category of use;
- (4) Trip generation by the development as a whole measured at the entrances to the development;
- (5) Demand on public or community water supplies.

The Planning Board shall hold a public meeting to allow the developer to explain how any disparities between expectations and outcomes will be offset through the phases to follow in order to achieve overall compliance.

E. Procedures.

- (1) Parties seeking special permit approval of an Integrated Plan are urged to work closely with the Planning Board and Town staff in developing their proposal in order to assure a well-informed process, and similarly to arrange for a dialog with those who live near to or otherwise would be impacted by the proposal.
- (2) Review of Applications for any related special permits for which the Planning Board is the Special Permit Granting Authority may be consolidated into the Integrated Plan special permit process, while being voted upon separately.
- (3) All applications for approval of an Integrated Plan shall include an Integrated Plan and Report, which shall contain at least the following.
 - (a) Residential uses proposed – tabulation of the number of dwelling units proposed, categorized by building type (multi-family, attached single-family, etc.), bedroom type (studio, one-bedroom,

etc.), floor area in each type of dwelling unit, and sales or rental level, including affordability provisions.

- (b) Open space proposed – tabulation of the extent of reserved open space of various categories, including conservation lands, recreation areas, and other public use areas.
 - (c) Non-residential uses proposed – tabulation of floor area by land use category.
 - (d) A plan view context drawing, covering the premises and at least all parcels abutting and across the street, indicating street and property lines, and at a conceptual level building locations, reserved open space areas, and other features of relevance.
 - (e) Itemization of departures from the use, dimensional, parking or other provisions applicable in the underlying zoning districts.
 - (f) Special provisions proposed, including grants of benefits to the Town such as land for public purposes, construction of or contributions towards off-site improvements, or restrictions proposed such as view corridors or traffic management provisions.
 - (g) A traffic analysis indicating that full construction and occupancy as provided in the Integrated Plan will be in compliance with the 15 trips per acre limit of Section 220-8.7 B(3) and also will not cause the peak hour traffic level of service to either be lower than reasonably expectable from development not relying upon IPOD provisions or below level of service “C,” as defined in current publications of the Highway Research Board.
 - (h) A verbal and graphic analysis documenting that the development is assured to be compatible with the character and scale of the immediately surrounding neighborhood.
 - (i) An assessment of the impacts of the development upon natural resources, Town utilities, schools, housing needs, taxes or other topics of salience in the particular case.
- (4) The Integrated Plan and Report shall be provided to the Town Clerk and the Planning Board no later than the date on which first notice is published for the Planning Board hearing for the special permit, with number of copies and distribution as may be provided in regulations adopted by the Planning Board for administration of these provisions, and shall be reviewed at that public hearing. The Planning Board shall approve such special permit based upon these considerations.
- (a) The consistency of the Integrated Plan and Report with the intent and requirements of § 220-8.7.
 - (b) The degree to which the Integrated Plan furthers the policies articulated in the 2007 Lancaster Master Plan.
 - (c) The consistency of the Integrated Plan with the Purposes stated at Section 220-1 of the Lancaster Zoning Bylaw.
 - (d) The completeness and technical soundness of the Integrated Plan and Report.
 - (e) The degree of assurance that there will be compatibility of building design and siting with the existing vicinity through selection of building materials and colors, building scale and massing, fenestration, roof forms, and signage design.
- (5) Following Planning Board approval of a special permit for an Integrated Plan, permit applications relying upon that Plan shall require site plan review by the Planning Board under the provisions of § 220-34 Site plan review. The Planning Board shall approve such site plan provided that it is consistent with the approved Integrated Plan, and consistent with the provisions of § 220-8.7. A site plan shall not be found consistent unless each of the following is met.

- (a) The uses proposed are not inconsistent with those of the Integrated Plan in type and extent.
 - (b) The proposed locations of individual buildings, parking, and open space shall be substantially consistent with the approved Integrated Plan, and all of the applicable use and dimensional regulations have been met.
 - (c) Means have been established to assure compliance with special provisions stipulated at § 220-8.7 E(3)(f).
- (6) An approved Integrated Plan may not be changed except through amendment of the previously issued special permit by the Planning Board following a new public hearing and review.

ARTICLE 13 Board of Selectmen Planning Board

To see if the Town will vote to amend the Zoning Bylaw by creating two Integrated Planning Overlay Districts as follows, and further that non-substantive changes to the numbering of this bylaw amendment be permitted in order that it be in compliance with the numbering format of the Code of Lancaster, or act otherwise in relation thereto.

1. Amend § 220-5. B Overlay districts by adding the following at the end thereof:

“(4) The Integrated Planning Overlay District (IPOD) is defined on the Integrated Planning Overlay District Map, as specified at 220 Attachment 4.”

2. Insert into the Bylaw as Attachment 4 a new Integrated Planning Overlay District Map, to contain two overlay districts configured as follows.

IPOD 1

Two areas comprise IPOD 1:

First, beginning at a point on the boundary line of the Town of Lancaster and the Town of Lunenburg said point being the intersection of said town boundary line with the westerly line of Route 70 and then proceeding

Southerly	along the westerly line of Route 70 to a point in the northern line of the Route 2 right-of-way thence turning and running,
Westerly	along said northern line of the Route 2 right-of-way to a point in the boundary line between the Town of Lancaster and the City of Leominster, thence turning and running
Northerly	along said town line to the boundary line between the Town of Lancaster and the Town of Lunenburg, thence
Easterly	along said town line to the place of beginning.

Second, beginning at a point at the intersection of the southerly line of the Route 2 right-of-way and the westerly line of Route 70 and then proceeding

Southerly	along the western line of Route 70 to a point in the northern boundary of Assessors' Map 19, Lot 16 thence turning and running,
Westerly	along said northern line of Assessors' Map 19, Lot 16 approximately 712.4'± to a point on the northern water line of the North Nashua River, thence continuing, along the northern water line of

the North Nashua River to a point on the boundary line between the Town of Lancaster and the City of Leominster, thence turning and running,

- Northerly along said town line to a point marking the southern boundary of Assessors' Map 8, Lot 39, thence turning and running
- Easterly along the southern border of Lot 39 a distance of 473.48' and then continuing across Lot 39 to a point at the southwest corner of Assessors' Map 8, Lot 39A then along the southerly border of Lot 39A to a point in the cul-de-sac of White Pond Road and then continuing counterclockwise along said cul-de-sac and the southern line of Assessors' Map 8, Lot 37G and 37H to a point in the westerly sideline of Assessors' Map 8, Lot 45 thence
- Northerly along the western sideline of Assessors' Map 8, Lots 45, 43, 42, and 41 thence turning and running
- Westerly along the southern boundary of Assessors' Map 8, Lot 41 to the eastern line of White Pond Road, thence
- Northerly along the eastern line of White Pond Road to the eastern sideline of Assessors' Map 3, Lot 5 and continuing northerly along said eastern sideline of Assessors' Map 3, Lot 5 line to the Town line between the Town of Lancaster and the City of Leominster, thence continuing along said town line to the southern line of the Route 2 right-of-way, thence
- Easterly along said right-of-way to the place of beginning.

EXCLUDING from the above IPOD Assessors Map 4, Lot 9A and 9B and the property known as Lancaster Woods Condominium consisting of Assessors' Map 4, Lots 7B through 7F inclusive and Assessors' Map 4, Lot 10 and Lots 10A through 10Z inclusive.

IPOD 2

Beginning at a point on the boundary line between the Town of Lancaster and the Towns of Lunenburg and Shirley said point also marking a point where the Towns of Lunenburg and Shirley meet, thence turning and running

- Southerly along the westerly line of Assessors' Map 2, Lot 3, and Assessors' Map 5, Lot 13A and 15A to Fort Pond Road, thence turning and running
- Easterly along the northern line of Fort Pond Road to the western line of Shirley Road thence turning and running
- Northerly along the western line of Shirley Road to the northeast corner of Assessors' Map 5, Lot 54, which is in the northern boundary of the Highway Business (HB) district, thence turning and running,
- Generally Westerly along the northern boundary of the Highway Business (HB) district to a point where the Residential and the Limited Office districts meet, thence turning and running,
- Northerly along that Zoning district boundary to a point in the Town Line between the Town of Lancaster and the Town of Shirley, thence turning and running,
- Westerly along said town line to the point of beginning.

ARTICLE 14
Board of Selectmen
Planning Board

To see if the Town will approve the filing of an application with the Interagency Permitting Board under the provisions of Chapter 43D of the Massachusetts General Laws, as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, for the designation of land at:

Chisholm Property (Fort Pond Road)

- Map 5, Parcel 27 (67 acres)
- Map 5, Parcel 32 (34 acres)
- Map 5, Parcel 32A (44 acres)
- **Total: 145 acres**

Hill Property (Lunenburg Road)

- Map 4, Parcel 9 (25.32 acres)
- **Total: 25.32 acres**

as Priority Development Sites, or take any other action in relation thereto.

ARTICLE 15
Board of Selectmen

To see if the Town will vote to accept Runaway Brook Road as a public way as heretofor laid out by the Board of Selectmen and shown on a plan entitled “Runaway Brook Road Acceptance Plan of Land In Lancaster & Sterling, MA”, Prepared For Fitch Pond Realty Trust II, Dated April 4, 2008, prepared by Whitman & Bingham Associates, LLC, and recorded with the Worcester Registry of Deeds in Plan Book 871, Plan 108; together with a certain Parcel B (Open Space) with appurtenant roadway drainage structures and storm water basins, containing 6.36 acres, being more fully described hereinafter; together with a certain Parcel C (Open Space), containing 6.70 acres, being more fully described hereinafter; together with a certain proposed 20 foot-wide walking trail easement located between Parcel B and Parcel C; being more fully described hereinafter; together with a certain parcel of land that is beneath the waters of South Meadow Pond containing 12.3 acres, being more fully described hereinafter; together with a certain Fire Cistern Easement located on Lot 8 Runaway Brook Subdivision, at #29 Runaway Brook Road, Lancaster, Massachusetts, with appurtenant fiberglass tank and fixtures, all as shown on the above referenced plan; and to authorize the Board of Selectmen to acquire said easements and parcels by gift, purchase, eminent domain or otherwise, and to raise and appropriate, transfer or borrow a sum of money for such purposes, or take any other action relating thereto.

<p style="text-align: center;">ARTICLE 16 Board of Selectmen Agricultural Commission</p>

To see if the Town will vote to adopt the following Farm Preservation Bylaw, or act in any manner relating thereto:

Section 1 Legislative Purpose and Intent

The purpose and intent of the General By-Law is to state with emphasis the Right to Farm accord to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations hereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1: Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Lancaster restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-Law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Lancaster by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This General By-Law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereof.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry and lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and alpacas), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals;
- application of manure, fertilizers, and pesticides;
- composting for sale or use, as part of an agricultural activity;
- conducting agriculture-related educational and farm based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Lancaster. The above described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is recognized that agricultural practices may impact others; however, the benefits of farming to the neighboring community and society more than offsets such impact. The benefits and protections of this By-Law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted good agricultural practices. Moreover, nothing in this Right to Farm By-Law shall be deemed as acquiring any interest in land or imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4 Disclosure Notification

A copy of this disclosure notification shall be posted by the Town to residents and property owners via the official Town website and available at the Town Hall.

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the buyers' property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances, as per the Water Management Act."

Section 5 Precedence

In the event of conflict between this By-Law and federal or state law, federal or state law shall take precedence respectively.

Section 6 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and, where feasible and appropriate, facilitate the resolution of the grievance, and report its recommendation to the Board of Health within an agreed upon time frame.

Section 7 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of the By-Law. The Town of Lancaster hereby declares the provisions of the By-Law to be severable.

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 Town Hall, 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

Christopher J. Williams, Chairman

Jennifer B. Leone, Clerk

John P. Sonia, Member

Date of Execution

CONSTABLE'S CERTIFICATION

I hereby certify under the pains and penalties of perjury that I posted an attested a copy of this Warrant at the South Lancaster Post Office, the Center Post Office, the Fifth Meeting House, and the Town Hall 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

Date: _____

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