

SPECIAL TOWN MEETING LANCASTER MASSACHUSETTS OCTOBER 15, 2007

Abbreviated Notes

The Special Town Meeting, held at Machlan Auditorium at Atlantic Union College, was called to order at 7:15 p.m. by new Moderator Stanley B. Starr. Members of the Lancaster 4-H Club marched the American Flag down to the front of the auditorium and led in the Pledge of Allegiance. A total of 238 registered voters and 13 non-voting guests were signed in by Registrars Cecilia Thurlow, Anna DiPietro and John Ranieri. Moderator Starr introduced the Town Officials sitting on the state to the audience: Board of Selectmen (BOS) members Christopher Williams, Shawn Winsor and Jennifer Leone, Finance Committee (FinCom) Members John Wojciak, James Piermarini, James Riley, Janet Baylis and Walter Sendrowski, Town Administrator Orlando Pacheco, Finance Director Cheryl Gariepy and Town Clerk Sue Thompson. Mr. Starr then thanked outgoing Moderator Eugene Christoph for his years of service as Moderator. Moderator Starr assigned David Spanagel and Roberta Winsor from among the meeting participants to serve as counters during the meeting.

Article 1. \$25,000 for Design and Maintenance of Buildings on the Town Green.

Upon a motion by BOS Chair Christopher Williams and a second from the floor, the Town voted to amend the FY 2006 Capital Plan as authorized by vote under Article 8 of the May 2, 2005 Annual Town Meeting by deleting item (L) in said article, which authorized the Community Development Office to spend \$25,000 of Master Planning Grant/Gift Funds to purchase and install Municipal Planning and Land Management Software, and replace it with a new item (L) which authorizes the Board of Selectmen to raise and appropriate \$25,000 for the design and maintenance of buildings on the Town Green. Finance Committee Chair John Wojciak stated that the FinCom was in favor of the article, which passed by majority vote.

PB Chair Victor Koivumaki then moved to bring **Article 8** on the warrant forward for discussion. **Article 8** and **Article 2** were the only articles on the warrant that required a two-thirds majority for passage and, fearing that the meeting would last for quite awhile, Mr. Koivumaki wanted both articles discussed while there were still plenty of voters present. The motion to pull **Article 8** forward passed by majority vote.

Article 8. Poultry and Livestock Zoning Change

BOS member Shawn Winsor moved, with a second from BOS Chair Williams, to amend Section 3.20 Use Regulation Schedule of the Lancaster Zoning By-law in order to allow the keeping of poultry and livestock as a "by right" principal use in the Residential District, on less than five acres or where otherwise not exempted by Section 3 of MGL 40A, by changing the "SP" notation for Item b in Subsection 3.22 Rural Uses to "P".

Suzanne Hall of Old Common Road spoke in favor of the bylaw, stating that if the bylaw passed, the town could make rules and regulations regarding chicken flocks, inspect the flocks to see that the birds are properly vaccinated, and help with instruction and training. She felt that if the bylaw did not pass, owners of backyard flocks will not be public about ownership and therefore their flocks would not be inspected. She felt that passing the bylaw would promote healthy flocks.

Planning Board Chairman Vic Koivumaki read the PB report on Article 8, which recommended against passage of the article. The PB felt the proposed bylaw was too unrestrictive and instead was willing to recommend to the Zoning Board of Appeals (ZBA) that they consider waiving fees for 4H members to apply for a special permit to have chickens on less than a five acre lot.

Joanne Foster of Center Bridge Road asked for a definition of “livestock” and was told by Mr. Koivumaki that the PB’s interpretation was any type of farm animal. PB member Eugene Christoph added that even imported so-called exotic animals could be considered livestock and that a representative of the state had spoken to the PB about the damage that could occur to the local commercial turkey farm if unhealthy animals were introduced.

Erin DeCoste who owns a goat farm on North Main Street strongly advocated kids being able to have animals and felt that common sense would prevail and that no one would want to have a lot of animals on a small lot. Marietta Poras of Hill Top Road agreed, but felt there should be some limits on lot size. Bill Walsh of Bigelow Gardens said that if facilities were kept clean there should be no problems. John Schumacher-Hardy of Main Street agreed that the local Board of Health and state rules and regulations would be enough to keep small lots clean and sanitary. Heidi Cloutier of Evelyn Place disagreed. She didn’t think most people had much common sense and wondered who would handle any complaints. Town Administrator Orlando Pacheco responded that there was no appeal process for animals unless a bio-security issue existed. Bill Walsh countered that the local Animal Inspector has jurisdiction and does yearly inspections of animals and barns.

After debate was closed, the vote was taken, and **Article 8** failed by a vote of 66 in favor and 135 opposed. A two-thirds majored was needed for passage. Koivumaki moved to reconsider; reconsideration failed by majority vote.

Article 2. Historic District in Center Village

Shawn Winsor moved and Chris Williams seconded that the Town vote to establish a Local Historic District and adopt a Historic District Bylaw as set forth in the final report of the Historic District Study Committee. Both the final report and the bylaw are available in the Clerk’s Office and online at www.ci.lancaster.ma.us.

Historic District Study Committee (HDSC) member Gene Feher, who lives on Main Street in the proposed district, gave some background on the committee’s work. The study committee, consisting of six members, four of whom are residents of the district, was appointed by the Board of Selectmen two years ago. Feher explained that the Center Village is part of a National Historic District, but that is just an honorary designation. There was nothing to prevent someone

from buying a historic house and tearing it down. He also said that studies show that historic districts provide economic benefits to towns in the form of increased property values and the availability of federal and state grant money. One of the first tasks of the HDSC was to survey center village residents. A positive response from two thirds of the residents indicated that they wanted reasonable, moderate protection to the center village. The proposed bylaw would only pertain to exterior architectural features visible from a public way. Landscaping is not affected, nor is usage (single vs. multi-family) or storm windows, color of paint, siding, fencing, etc. The proposed bylaw requires the establishment of a new board of three to five members, at least two of which would have to reside within the district.

Michael Lukaszevicz, who lives on Main Street within the proposed district, said the BOS would have to accept as members people recommended by realtor and architectural organizations and historical commissions. Feher replied that that was a desired makeup of the new board, but was not required. Lukaszevicz then stated that the bylaw was unnecessary because people who buy historic houses would be good stewards and would not tear them down. He felt the bylaw would make it too expensive for homeowners to renovate these historic houses because, for example, they would be required to purchase expensive replacement windows instead of cheaper generic windows. Lukaszevicz did not think having a historic district would increase property values.

Mariette Poras asked what the difference was between a historic house and a historic district, since most of the houses in Center Village are designated as historic houses. Feher responded that the buildings are classified as historic but are not protected if someone wanted to tear them down. Eugene Christoph added that if a historic district were passed, a lot of federal money would be available to maintain the historic buildings in it.

Emily Rose, chair of the Board of Library Trustees, said the library went through an extensive renovation eight years ago and took into account the historic significance of the Center Village and Town Green. As an elected board, she did not want the Trustees to have to cede any authority to a new commission appointed by the Board of Selectmen. Several residents agreed that although the bylaw as written sounded reasonable and moderate, future appointed commission members may make the regulations more stringent. Others felt it reduced their personal freedom and liberty to renovate their own property.

When the vote was taken, 81 residents voted in favor and 130 opposed; **Article 2**, which required a two-thirds majority for passage, failed. A vote to reconsider failed by majority.

Article 3. Wetland Protection Bylaw

Jennifer Leone moved, seconded by Chris Williams, that the Town vote to amend the General Bylaws by adopting a Wetland Protection Bylaw as printed in the warrant. Conservation Commission member Cara Sanford read the ConCom's report on Article 3, in which the ConCom recommended approval of the bylaw so that Lancaster's natural resources could be protected and preserved for future generations. Sanford explained that existing homes and businesses are grandfathered under the current state Wetlands Protection Act and that the proposed local bylaw would only apply to new structures and landscaping. Sanford and ConCom member Jean Lidstone then fielded questions from the floor.

Sarah Spencer, Main Street, asked why any appeals would have to be made to the state court instead of the DEP. Lidstone replied that subdivision appeals would go to the state court but appeals on any current buildings or landscaping are not covered under this bylaw so would go to the DEP. She explained that the bylaw allows for home rule and defines things better than the current state law. Sanford added that 60% of the towns in Massachusetts have already passed a similar local bylaw. Lidstone added that the bylaw would require developers to pay higher fees to help protect the wetlands.

David Frawley of Cleverly Cove Road asked about renovations and additions to existing houses; Lidstone repeated that the new bylaw does not apply to existing structures, that those would be covered under the current state law. Don Siver of George Hill Road asked if that meant a new house can't make changes but an older home next door could do whatever they wanted because they were grandfathered? Sanford replied that that was true, but that the bylaw was not that restrictive even for new houses. Gary Shepard, Main Street, thought the bylaw contained too many loop holes, that the language was ambiguous and too restrictive. He offered his opinion that although the current membership of the ConCom seemed reasonable and able to enforce this bylaw, what happens when future appointed members enforced the bylaw and changed it to their liking. Sanford replied that changes to the bylaw would have to be made by the voters at town meeting, not by members of the ConCom. She added that the proposed bylaw is a model used throughout the state.

It was moved, seconded and voted by majority vote to move the question. **Article 3** passed by a vote of 79 in favor, 70 opposed. Once approved by the Office of the Attorney General, the bylaw will be managed and enforced by the Conservation Commission.

Article 4. Roadside Memorial Bylaw

Chris Williams moved, seconded by Shawn Winsor, that the Town vote to amend the General Bylaws by adopting a Roadside Memorial Bylaw as printed in the warrant. David Spanagel asked what this bylaw meant and why it was being proposed. DPW Superintendent John Foster replied that the DPW Highway Division wanted some guidelines on when they can pick up roadside memorials that were placed near the spot where someone had been killed in a car accident. **Article 4** passed unanimously.

Article 5. Stormwater Management Bylaw

Shawn Winsor moved and Chris Williams seconded that the Town vote to amend the General Bylaws by adopting a Stormwater Management Bylaw as printed in the warrant. Vic Koivumaki read the Planning Board's report approving acceptance of the bylaw. The PB held public hearings on August 27, 2007, continued to September 24 and then to October 1. Koivumaki explained that the Environmental Protection Agency (EPA) has mandated that a Stormwater Management Bylaw be in place by May 1st, 2008, requiring developers to submit a stormwater plans when they file a subdivision plan. **Article 5** was approved unanimously. Once approved by the Office of the Attorney General, the bylaw will be enforced by the Planning Board.

Article 6. Illicit Discharge Bylaw

Jennifer Leone moved, with a second from Chris Williams, that the Town vote to amend the General Bylaws by adopting an Illicit Discharge Bylaw as printed in the warrant. Board of Public Works member Jack Sonia reported that the Planning Board held a hearing on August 27, 2007, which was continued to September 24 and then to October 1; the Planning Board's report, supporting adoption of the bylaw, is on file in the Clerk's Office. Sonia further explained that the Environmental Protection Agency (EPA) has mandated that an Illicit Discharge Bylaw be in place by May 1st, 2008, prohibiting both businesses and residents from discharging contaminants into Lancaster's municipal storm drain system. **Article 6** passed unanimously. Once approved by the Office of the Attorney General, the bylaw will be managed and enforced by the Board of Public Works.

Article 7. Dump Truck for the DPW Highway Division

Chris Williams moved, and Shawn Winsor seconded, that the town transfer from account 0100-900-5301-2201 (Vehicle/Property/Liability Insurance) to Capital account 3000-422-5820-2008 (Highway Dump Truck) \$48,000 to be expended by the Board of Public Works for the purchase of a new dump truck with snow plow attachments. John Wojciak stated that the FinCom supported this article. Voter Joanne Foster of Center Bridge Road questioned why the request was not in the capital plan at the May Annual Town Meeting, and why the funding source wasn't free cash. Mr. Wojciak replied that it had been deleted from the ATM warrant so the DPW would have more time to decide what kind of vehicle they wanted. He said that free cash was currently being audited and was therefore unavailable for use. Mr. Pacheco added that insurance costs were coming in under budget, so there was money available in that account. The Article passed by majority vote.

There being no further business, Moderator Starr adjourned the Special Town Meeting at 9:45 p.m.