

**WARRANT FOR  
SPECIAL TOWN MEETING  
October 6, 2008  
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 in the **Machlan Auditorium, Atlantic Union College at 338 Main Street in said Lancaster on Monday, the sixth day of October, at 7:00 o'clock in the evening**, then and there to act on the following Articles:

**ARTICLE 1  
Board of Selectmen**

To see if the Town will vote to transfer from the Board of selectmen for general municipal purposes to the Board of Selectmen for the purpose of conveyance and to authorize the Board of Selectmen to grant to the Lancaster Land Trust a historic preservation restriction pursuant to the provisions of G.L. c. 184, §§ 31-33 affecting the property known as the Town Green, located at Thayer Drive and Main Street and shown on Assessors Map 34 as Parcel 91, on such terms and conditions as the Selectmen may determine, or act in any manner relating thereto.

**ARTICLE 2  
Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectmen to acquire for general municipal purposes the fee simple or other interest in land by purchase, gift, or eminent domain or otherwise and to accept the deed from the Secretary of Housing and Urban Development for the property located at 32 Carter Street, as shown on Lancaster Assessor's Map 41, Parcel 225, for a sum not to exceed one (1) dollar, or act in any manner relating thereto.


**ARTICLE 3  
Board of Selectmen**

To see if the Town will vote to transfer from the Board of Selectmen for general municipal purposes to the Board of Selectmen for the purpose of conveyance the property located at 32 Carter Street, as shown on Lancaster Assessor's Map 41, Parcel 225 for the purposes of creating at least one (1) affordable housing unit as defined by the Department of Housing and Community Development and to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary to dispose of such property, or act in any manner relating thereto.

**ARTICLE 4**  
**Board of Selectmen**

To see if the Town will vote to amend the *Personnel Compensation Wage and Salary Schedule* by increasing all amounts by 2% effective January 1, 2009 (*detail below*), or act in any manner relating thereto.  
*The Finance Committee recommends passage of this article.*

***FY2009 Proposed Wage Scale***

 STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	
9.12 19,040.05	9.50 19,828.07	9.90 20,679.97	10.31 21,531.87	10.74 22,426.37	11.20 23,384.76	
10.61 22,149.50	11.05 23,065.30	11.52 24,044.99	12.02 25,088.57	12.51 26,110.86	13.03 27,197.04	
11.64 24,300.56	12.13 25,322.85	12.63 26,366.43	13.16 27,473.90	13.72 28,645.27	14.29 29,837.94	
12.60 26,302.54	13.13 27,410.01	13.68 28,560.08	14.26 29,774.04	14.86 31,030.60	15.48 32,329.76	
13.54 28,261.92	14.09 29,411.99	14.68 30,647.25	15.30 31,946.40	15.94 33,288.15	16.61 34,672.49	
13.98 29,199.01	14.58 30,434.27	15.19 31,712.13	15.83 33,053.88	16.48 34,416.92	17.17 35,843.86	
15.13 31,584.34	15.75 32,883.49	16.42 34,289.14	17.10 35,694.78	17.81 37,185.61	18.55 38,740.33	
15.76 32,904.79	16.43 34,310.43	17.11 35,716.08	17.82 37,206.91	18.57 38,782.93	19.34 40,380.25	
16.46 34,374.33	17.15 35,801.27	17.86 37,292.10	18.63 38,889.42	19.40 40,508.04	20.19 42,147.95	
17.97 37,526.37	18.72 39,081.10	19.51 40,742.31	20.33 42,446.12	21.20 44,256.41	22.08 46,109.30	
20.43 42,659.09	21.28 44,426.79	22.17 46,300.98	23.09 48,217.77	24.04 50,198.44	25.06 52,328.20	
20.92 43,681.38	21.80 45,512.97	22.73 47,451.05	23.67 49,431.73	24.64 51,455.00	25.66 53,584.76	
22.86 47,727.92	23.82 49,729.90	24.82 51,817.06	25.86 53,989.42	26.94 56,246.96	28.07 58,611.00	
25.55	26.63	27.73	28.90	30.10	31.37	

53,350.49	55,608.03	57,908.17	60,336.10	62,849.22	65,490.12	
26.95	28.08	29.24	30.48	31.74	33.08	
56,268.26	58,632.29	61,060.22	63,637.23	66,278.13	69,068.12	
28.02	29.18	30.41	31.68	33.01	34.38	
58,504.51	60,932.43	63,488.15	66,150.35	68,919.03	71,794.21	

**ARTICLE 5**  
**Board of Selectmen**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$19,550.00 (Nineteen-Thousand Five Hundred and Fifty Dollars) for work performed to connect floor drains at the Lancaster Highway Garage to an existing sewer line, or act in a manner relating thereto.

*The Finance Committee recommends passage of this article.*

**ARTICLE 6**  
**Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectmen to accept and record two drainage easements over Lot 1 on Oetman Way & Goss Lane in the Town of Lancaster, Massachusetts in accordance with a plan by Goldsmith Prest, & Ringwall, Inc. (GPR) entitled “Road Acceptance Plan, Oetman Way”, dated April 7, 2008 and recorded at Worcester Deeds, or act in a manner relating thereto.

**ARTICLE 7**  
**Board of Selectmen**

To see if the town will vote to authorize the Board of Selectmen to accept and record various drainage and water service easements over Lots 4, 5A, 6A and 9 on Oetman Way in the Town of Lancaster, Massachusetts as shown on a plan by Goldsmith, Prest & Ringwall, Inc. (GPR) entitled "Road Acceptance Plan, Oetman Way", dated April 7, 2008 recorded at Worcester Deeds, or act in a manner relating thereto.

**ARTICLE 8**  
**Board of Selectmen**

To see if the Town will vote to transfer from the Stabilization Fund the sum of \$200,00.00 (Two Hundred Thousand Dollars) to be expended by the Board of Selectmen for the purpose of making improvements and renovations to the Town-owned buildings on the Town Green, or act in a manner relating thereto

**ARTICLE 9**  
**Board of Selectmen**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$19,000 (Nineteen Thousand Dollars) to defray the expenses of the Conservation Agent for the Fiscal Year beginning July 1, 2008, or act in any manner related thereto

**ARTICLE 10**  
**Board of Selectmen**

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

Lancaster Technology Park (Old Union Turnpike)

- Map 3, Parcel 4 (41.5 acres)
- Map 4, Parcel 11 (50.53 acres)
- Map 4, Parcel 11B (10.1 acres)
- Map 8, Parcel 9 (.12 acres)
  
- Total: 102.25 acres

Ascetic Hill Park (Lunenburg Road)

- Map 9, Parcel 2 (25.24 acres)
- Map 9, Parcel 5 (51.2 acres)
- Map 9, Parcel 17 (13.6 acres)
- Map 14, Parcel 1 (9.0 acres)

- Map 14, Parcel 2 (5.5 acres)
- Map 14, Parcel 3 (2.9 acres)
- Map 14, Parcel 6 (8.31 acres)
- Map 14, Parcel 8 (8.45 acres)
- Map 14, Parcel 9 (53.72 acres)
- Map 14, Parcel 12(15.17 acres)
  
- Total: 179.49 acres

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

<b>ARTICLE 11</b> <b>Board of Selectmen</b>
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To see if the Town will vote to amend the Lancaster Zoning Bylaw as follows, or act otherwise in relation thereto.

1. Delete the present Section 220-15 Flexible Development and replace it with the following new Section 220-15:

**220-15 Flexible Development**

- A. *Intent:* The intent of these Flexible Development provisions is to allow greater flexibility and creativity in residential development in order to gain:
  - (1) Location of development on sites best suited for development, and protection of land not suited for development, reflecting such considerations as:
    - Permanent preservation of open space for agriculture, conservation, or recreational use, especially in large contiguous areas within the site or linked to off-site protected areas;
    - Protection of water bodies, streams, wetlands, wildlife habitats, and other conservation resources;
    - Protection of the character of the community through preserving open space within view from public roads, preservation of stone walls and other historic landscape features, preservation of scenic vistas, and through siting of dwellings at low-visibility locations;
    - Protection of street appearance and capacity by avoiding development close to such streets, except in already compactly developed areas;
  - (2) Efficient patterns for construction and maintenance of public facilities and services such as streets and utilities;
  - (3) Privacy for residents of individual lots; and
  - (4) Avoidance of unnecessary development costs.
  
- B. *Dimensional Requirements:* Subject to conformance with the standards contained in the following Paragraphs (1) through (3), the Planning Board may by Special Permit authorize the creation and use of residential building lots complying with the alternative frontage and lot area

regulations contained in Paragraph (4) below rather than those otherwise applicable to the zoning district in which the land is located.

- (1) *Base Number of building lots:* The Base Number of building lots allowed to be created in a Flexible Development shall be equal to the number of building lots into which the parcel could reasonably be expected to be divided under normally applicable dimensional and (if not sewered) on-site disposal regulations. That number may, at the owner's option, be determined by Planning Board estimate or by an alternative "conventional" plan certified to comply by a Registered Land Surveyor and Professional Engineer. In either event, the Planning Board's final determination of the Base Number shall be conclusive.

In addition to building lots, one or more parcels of deed-restricted open space shall be created in a Flexible Development in compliance with the regulations of Subsection C.

- (2) *Bonus lots:* As an open space and affordability incentive, the Planning Board may allow an increase over the Base Number of lots otherwise allowed, using the following calculations, provided however, that in no event shall the number of "bonus" lots allowed exceed fifty percent (50%) of the Base Number of building lots.
  - (a) *Open space:* A number of bonus lots may be awarded equal to the Base Number times a percentage that equals one-half the percentage of open space set aside in excess of the minimum required, to a bonus limit of 10% of the Base Number. For example, a 10% bonus increase above the Base Number is allowed if open space set aside is 20% or more higher than the minimum required. Fractions of 0.5 lots or more shall be rounded up, and others rounded down.
  - (b) *Affordability:* Dwelling units permanently restricted to occupancy by persons, families or households who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development, may be added to the Base Number, up to a bonus limit of not more than one-third (1/3) of the Base Number.
- (3) *Transfer of development rights:* By agreement of its owner, land may be used in calculating the Base Number of lots under Paragraph (1) or the bonus lots under Paragraph (2) even though such land is not contiguous with or in the same ownership as the premises being developed, but only as follows:
  - (a) The land used in such calculation (the "transfer land") must be determined by the Planning Board to be of special importance to remain in a natural state because of its visual prominence or potential vista blockage, because of its ecological significance and fragility, because it has special importance as farmland, or because it is important to the Town's open space plan.
  - (b) The land being developed must not itself have the qualities specified immediately above.
  - (c) The transfer land must not be wetlands (as defined in Section 40, Chapter 131, M.G.L.), or be used to satisfy lot area requirements for any other development, or already be restricted from development by a conservation restriction or other binding device.
  - (d) Prior to issuance of any building permit dependent upon the transfer, such transfer land shall be made subject to a permanent Conservation Restriction held by the Town pursuant to Section 31-33, Chapter 194, M.G.L., prohibiting non-agricultural development.

(4) *Alternative dimensional requirements:* Lot area, lot frontage and width, and yard setback requirements of Sections 220-10 through Section 220-11 shall not apply to individual lots within a Flexible Development authorized under this Section 220-15, provided that the Planning Board has approved the proposed alternative lot dimensions for the Development, subject to the following limitations:

- (a) Lots having primary frontage on a street other than a street created by the development shall not have reduced frontage or front yard setbacks unless the Planning Board determines that doing so improves consistency of building spacing and bulk with the character of the existing vicinity.
- (b) At least fifty percent (50%) of the required frontage and side and rear yard setbacks for the district shall be maintained in the Development unless a further reduction is authorized by the Planning Board for a particular lot reflecting special circumstances of the lot.
- (c) A buffer area of not less than fifty (50) feet shall be provided around identified resource areas on or adjacent to the tract such as ponds, wetlands, streams and riverfront areas, rock outcrops, ledge, agricultural or recreational fields, and land held for conservation purposes. Driveways necessary for access and egress to and from the tract may cross such buffer areas. No vegetation in this buffer area shall be disturbed, destroyed or removed, except to provide for necessary access and for normal maintenance of structures and landscapes approved as part of the project. The Planning Board may waive or reduce the buffer requirement in these locations where it determines that a smaller buffer (or no buffer) will suffice to accomplish the objectives set forth herein, or where necessitated to allow economic use of the property as a whole.

C. *Open Space Requirements:* The following open space requirements must be met unless the Planning Board determines that owing to peculiarities of the site a smaller amount of open space would better serve the intent of these provisions to facilitate sensitive use of Town resources. In all other cases, a minimum of forty percent (40%) of the land in the Flexible Development shall be reserved as open space. Any proposed open space land, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction and/or conservation easement enforceable by the Town. Such restriction or easement shall be in a form satisfactory to the Planning Board, and shall provide that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for one or more of the purposes set forth in Paragraph (3) below, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

- (1) The percentage of the open space that is wetlands shall not normally exceed the percentage of the Flexible Development parcel that is wetlands; provided, however, that the Planning Board may allow a greater percentage of wetlands to be included in such open space upon a demonstration that such inclusion promotes the purposes of this bylaw.
- (2) Designated open spaces shall be contiguous with each other in a continuous system except where separated by a roadway or an accessory amenity, and except where the Planning Board determines that allowing non-contiguous open space will promote the goals of this bylaw and/or protect identified conservation resources.
- (3) The open space shall be used for wildlife habitat and conservation and one or more of the following additional purposes: historic preservation, education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, visual amenity, and shall be served by suitable access for such purposes. The Planning Board may permit up to five percent (5%) of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths).

- (4) Wastewater and storm-water management systems serving the development may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.
- (5) *Ownership of the open space:* The designated open space shall be conveyed to:
  - (a) The Town or its Conservation Commission; or
  - (b) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above; or
  - (c) A corporation or trust owned jointly or in common by the owners of lots or dwelling units within the Flexible Development. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots or units. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust through provisions for mandatory assessments of maintenance expenses to each lot or unit. The trust or corporation documents shall include an express consent to allow the Town, at its own option, to enter and access the open space and facilities and perform repairs, if the trust or corporation fails to provide adequate maintenance. Each individual deed for the lots in the Flexible Development, the open space deed, and the trust or articles of incorporation, shall include provisions to effect these requirements. Documents creating such trust or corporation shall be subject to Planning Board approval, and shall thereafter be recorded.

D. *Multifamily Dwellings:* Multifamily dwellings may be permitted in a Flexible Development subject to the above provisions of Section 220-15 and subject to the following:

- (1) The number of dwelling units may not exceed the number of building lots (including bonus lots) which could be allowed under the provisions of Section B, Dimensional Requirements.
- (2) The proposed Development must meet at least five of the following guidelines:
  - (a) Each dwelling unit should have a direct outside entrance not shared with any other unit.
  - (b) Setbacks and building alignment should be reflective of that existing in the vicinity.
  - (c) Individual attached units should be distinguished from each other through building massing, such as through differences in façade setback, roof height, major unit or roof gable orientation, without reliance on surface decoration or trim to distinguish them.
  - (d) No more than four dwelling units should be attached together in a single structure.
  - (e) The scale of parking areas should be kept small through having no more than eight parking spaces within any parking area not separated from others by intensive landscaping and, if containing more than two spaces, being located somewhere other than within a front yard area.
  - (f) Existing vegetation and other site features should be retained to the extent reasonably feasible.
  - (g) New plantings should be reflective of those common in the vicinity with regard to species, scale and location.

E. *Special Permit Considerations:* A special permit for a Flexible Development shall be granted only upon Planning Board determination that such alternative form of development of the

subject land better serves the Bylaw intent than would development under otherwise applicable rules, considering possible deterioration of water quality, visual intrusion, displacement of natural features, or traffic conflicts.

- F. *Documentation:* All lots created under the provisions of Section 220-15 Flexible Development shall be shown on a recorded plan referencing the recorded special permit under Section 220-15, and containing notations specifying that no additional building lots are to be created through future division of the land shown on the plan, and specifying the maximum number of dwelling units to be allowed on each lot.

In addition, a permanent restriction, running with land and enforceable by the Town, shall be recorded with respect to the land included in the Flexible Development, providing that no land within the Development may be divided into additional building lots and specifying the maximum number of dwelling units that may be developed on the land.

- G. *Subdivision Control Law:* Nothing in this Section shall be interpreted as conflicting with the Subdivision Control Law, M.G.L. c. 41, §§81-k, et seq., and a special permit issued under this section shall not supplant the applicable requirements of the Subdivision Control Law.

2. Amend Section 220-8.1 Residential Uses by deleting the note in row D that reads “See Section 220-9C” and substituting the following:

“Either as provided at Section 220-9C or as provided at Section 220-15D.”

<p style="text-align: center;"><b>ARTICLE 12</b> <b>Board of Selectmen</b></p>
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To see if the Town will vote to amend the Lancaster Zoning Bylaw as follows, or act in relation thereto:

1. Amend Article X, Section 220-35 (A) by changing the referenced effective date of the Subdivision Rules and Regulations from “June 1, 1985” to “as currently in effect”; and by adding the following new Subsection (4) to Section 220-35 (A) Design Guidelines:
  - (4) Assure that the design and location of structures on the site avoid damage to or incompatibility with historical and archeological resources, such as antique buildings and structures, barns, stone walls, earthworks and graves.
2. Replace Article X, Section 220-35 (D) with the following new Section 220-35 (D):
  - D. *Guidelines:* The Planning Board shall adopt and from time to time amend reasonable guidelines and regulations for their administration.
3. Amend Article X, Section 220-36 by changing the title of Section 220-36 from “Disturbance Controls “ to “Disturbance Controls and Lighting”; by renumbering existing Section 220-36 (A) and Section 220-36 (B) as Section 220-36.1 (A) and Section 220-36.1 (B) respectively; and by adding a new Section 220-36.2 “Lighting” to read as follows:

**220-36.2    Lighting**

- A. *Objective:* The regulation of outdoor lighting is intended to enhance public safety and welfare by providing for adequate and appropriate outdoor lighting, provide for lighting that will complement

the character of the town, reduce glare, minimize light trespass, and reduce the cost and waste of unnecessary energy consumption.

- B. *Applicability:* The requirements of this section shall apply to outdoor lighting on lots and parcels in all districts, but shall not apply to: one- and two-family dwellings on lots on which they are the principal use, street lighting, lights that control traffic, or other lighting for public safety on streets and ways.

When an existing outdoor lighting installation is being modified, extended, expanded or added to, the entire outdoor lighting installation on the lot shall be subject to the requirements of this section if 20% or more of the fixtures will be new or altered.

Non-conforming temporary outdoor lightings necessitated by construction, special non-recurrent events, or emergency contingencies, may be used upon issuance of a temporary lighting permit by the Building Inspector.

The following light sources are prohibited:

- a) Neon signs;
- b) Mercury vapor and quartz lamps; and
- c) Searchlights.

- C. *Definitions:* For the purpose of this section, the following words and phrases shall have the following meanings:

Color Rendering Index (CRI): A measurement of the amount of color shift that objects undergo when lighted by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. CRI values generally range from 0 to 100, where 100 represents incandescent light.

Cutoff Angle: The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.

Direct Light: Light emitted from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Fixture: The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.

Foot-candle: A unit of illumination. One foot-candle is equal to one lumen per square foot.

Fully-shielded Luminaire: A lamp and fixture assembly designed with a cutoff angle of 90 degrees, so that no direct light is emitted above a horizontal plane.

Glare: Light emitted from a luminaire with an intensity great enough to produce annoyance, discomfort, or a reduction in a viewer's ability to see.

Height of Luminaire: The vertical distance from the finished grade of the ground directly below to the lowest direct light emitting part of the luminaire.

Indirect Light: Direct light that has been reflected off other surfaces not part of the luminaire.

Lamp: The component of a luminaire that produces the actual light.

Light Trespass: The shining of direct light produced by a luminaire beyond the boundaries of the lot or parcel on which it is located, or on-site lighting producing more than 0.3 foot-candles horizontal brightness at ground level at any point off-premises, except within a street.

Lumen: A measure of light energy generated by a light source. One foot candle is one lumen per square foot. For purposes of this bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

Luminaire: A complete lighting system, including a lamp or lamps and a fixture.

D. *Plan Contents:* Wherever outside lighting is proposed, every application for a building permit, electrical permit, special permit, variance, or site plan, shall be accompanied by a lighting plan which shall show:

- (1) The location and type of any outdoor luminaires, including the height of the luminaire;
- (2) The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
- (3) The type of lamp, such as metal halide, compact fluorescent or high pressure sodium;
- (4) That light trespass onto any street or abutting lot will not occur. This may be demonstrated by manufacturer's data, cross section drawings, or other means.

E. *Control of Glare and Light Trespass:*

- (1) Any luminaire with a lamp or lamps rated at a total of more than 2,000 lumens shall be of fully-shielded design.
- (2) All luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptible to persons on any street or abutting lot or parcel.
- (3) Subsection (1), above, shall not apply to any luminaire intended solely to illuminate any freestanding sign or the walls of a building, but such luminaire shall be shielded so that its direct light is confined to the surface of such sign or building.
- (4) All lamps subject to this bylaw shall have a minimum color temperature of 2000 degrees K and a maximum color temperature of 3700 degrees K.
- (5) *Control of illumination levels:* All parking areas and pedestrian facilities serving non-residential uses and open to the general public shall be provided with illumination during all hours from dusk to dawn while those facilities are open to the general public. Such illumination shall provide not less than 0.2 average maintained horizontal foot-candles, and an illumination ratio (brightest/darkest) of not more than 4:1. However, in performing Site Plan Review under Section 220-34, the Planning Board may approve alternative arrangements if it determines that, because of special circumstances or alternative provisions, the specified illumination is not necessary or appropriate for the protection of the public safety.

F. *Lamp Types:*

- (1) Lamp types shall be selected for optimum color rendering as measured by their color rendering index (CRI), as listed by the lamp manufacturer. Lamps with a color rendering

index lower than 50 are not permitted. This paragraph shall not apply to temporary decorative lighting which may include colored lamps, such as holiday lighting.

- (2) No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.
- (3) A luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than twenty (20) feet above grade and shall be shielded to control glare.
- (4) A luminaire attached to a pole shall be mounted no higher than twenty (20) feet above grade and shall be shielded to control glare.

G. *Hours of Operations:*

Outdoor lighting shall not be illuminated between 11:00 PM and 6:00 AM, with the following exceptions:

- (1) If the use is being operated, such as business open to customers, or where employees are working, or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than one half-hour after activity ceases;
- (2) Low-level lighting sufficient for the security of persons or property on the lot may be in operation between 11:00 PM and 6:00 AM, provided the average illumination on the ground or on any vertical surface is not greater than 0.5 foot-candles.

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

- (1) Where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists;
- (2) Where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas;
- (3) Where a minor change is proposed to an existing, non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation; and
- (4) Where it can be demonstrated that for reasons of the geometry of the lot, building or structure, that complete shielding of direct light is technically infeasible.

4. Amend Article X, Section 220-37 by changing the title of Section 220-37 from "Landscaping Requirements" to "Landscaping Requirements, Erosion and Stormwater Control"; by renumbering existing Section 220-37 (A-I) as Section 220-37.1 (A-I) respectively; and by adding a new Section 220-37.2 "Erosion and Stormwater Control" to read as follows:

**220-37.2 Erosion and Stormwater Control**

- A. *Stabilization:* Any area of bare earth exposed through non-residential and non-agricultural building development must be permanently stabilized through replanting, paving or other means of eliminating wind or water erosion. Such stabilization must be completed prior to building

occupancy, or a performance bond must be posted in an amount sufficient to assure completion of such work.

- B. *Requirements:* Parties planning construction which will expose more than 43,560 SF (one acre) of bare earth during development, through either removal or filling on the same parcel or on contiguous parcels in the same ownership, must apply for, obtain and comply with a Stormwater Management Permit through the Planning Board, per the Stormwater Management Bylaw, Chapter 170 of the Town of Lancaster Bylaws. In addition, the following must be complied with:

- (1) Stripping of vegetation, re-grading or other development shall be done in a way which will minimize soil erosion. An Erosion and Sediment Control Plan shall be submitted having sufficient information on existing and proposed topography, vegetation and control measures to allow determination of compliance.
- (2) Whenever practical, natural vegetation shall be retained, protected and supplemented.
- (3) The disturbed area shall be kept to a minimum.
- (4) Where necessary, temporary vegetation and/or mulching shall be used to protect areas exposed during development.
- (5) Sediment basins (debris basins, de-silting basins, silt traps) shall be installed and maintained where necessary to remove sediment from runoff waters from land that is undergoing development.
- (6) Open drainage features (detention basins, vegetated swales, rain gardens) shall be installed and maintained where necessary to collect runoff waters and allow them to recharge the underlying soils.
- (7) The angle of vegetated slopes and fills shall be no greater than the angle which can be retained by vegetative cover or alternative proposed erosion control devices or structures. In any event, slopes left exposed must immediately be planted or otherwise provided with permanent ground cover or other means sufficient to retain erosion.
- (8) A ground cover sufficient to retain erosion must be planted or otherwise provided within thirty (30) working days, season permitting, on any portion of the tract upon which further active construction is not being undertaken.
- (9) The development plan or land-disturbing activity shall be fitted to the topography and soils as to create the least erosion potential.

- C. *Referrals:* The Building Inspector may require review of erosion control proposals by the Soil Conservation Service or other experts in soil mechanics in cases where doubt as to adequacy of proposed measures exists. Selection of techniques and determination of adequacy of measures shall, unless otherwise specified, be consistent with *Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts*, USDA Soil Conservation Service, 1975.

5. Delete Article X, Section 220-38 "Erosion Control" and replace with new Section 220-38 "Parking Design and Traffic Planning" to read as follows:

**220-38        Parking Design and Traffic Planning**

**220-38.1     Parking Design**

- A. *Objective:* To document existing neighborhood parking conditions, to evaluate the off-site impacts of the proposed parking, and to mitigate any adverse parking impacts on the neighborhood.
- B. *Format and Scope:* All applications for site plan review shall provide the following documentation regarding the proposed parking design:
  - (1) Existing off-site and on-street neighborhood parking conditions, including identification of streets likely to be affected by traffic or other impacts of the proposed development.
  - (2) Projected impact of proposed parking on the neighborhood.
  - (3) Proposed mitigation measures for adverse impacts identified above. Information should include area of parking shaded by trees, area of screening, alternative pavers, and creative parking lot design.
  - (4) The design of the parking facility shall take into consideration natural, cultural and historical features and setting, as well as the scale of the facility in relation to the building(s) on the site.
- C. *Parking Design Standards:* The Board will review the parking design documentation and evaluate for the following:
  - (1) *Hazards:* The parking area and access roads shall not create a hazard to abutters, vehicles or pedestrians.
  - (2) *Placement of parking facilities:* Parking facilities shall be at the rear or side(s) of the principal structure and shall not abut a public way for more than twenty (20) feet. If site encumbrances make this requirement impossible to achieve, parking may be allowed to abut a public way only if the parking lot is buffered and screened from the public way using dense, native vegetation to the greatest extent possible. The design of the parking facility shall take into consideration natural, cultural and historical features and setting.
  - (3) *Pedestrian and bicycle access:* Provisions for pedestrian and bicycle access shall be safe and convenient, so that the development as a whole enhances rather than degrades access by foot or bicycle. Parking areas shall accommodate pedestrian access through the use of raised crosswalks, usable landscaped islands, benches, and abundant shade trees, among other design attributes.
  - (4) *Plantings:* Refer to Subsection 220-37.1, Paragraphs B and E for requirements on plantings in parking areas.
  - (5) *Emergency access:* Appropriate access for emergency vehicles shall be provided to the principal structure. Such access need not be paved, yet shall be stable and constructed to withstand a fire vehicle.
  - (6) *Size of facility:* Parking lots shall be configured so that no section of lot shall contain more than fifty (50) spaces, and each section of lot shall be visually separated from any other section of lot on or off-premises through the use of major landscaping, earthen berms or grade changes. No more parking than is required by this Bylaw shall be provided unless the applicant demonstrates to the satisfaction of the Planning Board that unusual circumstances justify the amount of parking proposed as being necessary despite reasonable efforts at parking demand reduction.

- A. *Objectives:* To document existing traffic conditions (both vehicular and pedestrian) in the vicinity of the proposed project, to describe the volume and effect of projected traffic generated by the proposed project, and to identify measures proposed to mitigate any adverse impacts on traffic.
- B. *Applicability:* The Board may request an applicant for site plan review to prepare a Traffic Impact Assessment even if the project does not meet any of the following criteria. The Board may also waive all or part of the Traffic Impact Assessment if a project does meet any of the following criteria.

Projects with one or more of the following characteristics shall prepare a Traffic Impact Assessment:

- (1) Proposing thirty (30) or more parking spaces;
  - (2) Proposing a Vehicular Service Establishment, such as a gasoline service station; a facility for the sale, rental or repair of motor vehicles; or car wash establishment;
  - (3) Containing frontage and access on a state-numbered highway and proposing more than six (6) parking spaces.
- C. *Qualifications:* The Traffic Impact Assessment shall be prepared by a registered professional civil or traffic engineer in the Commonwealth of Massachusetts.
- D. *Format and Scope:* All applications for site plan review shall provide the following documentation as part of the Traffic Impact Assessment:
  - (1) *Existing traffic conditions:* Average daily and peak hour volumes, average and peak speeds, sight distances, accident data, and levels of service (LOS) of intersections and streets likely to be affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 1000 feet of the projected boundaries or impacted by the development and shall be no more than six (6) months old at the date of application. Further, information regarding existing pedestrian circulation and ways shall be provided.
  - (2) *Projected traffic conditions for design year of occupancy:* Statement of design year of occupancy, background traffic growth for the previous five (5) years, impacts of proposed developments which have already been approved in part or in whole by the Town.
  - (3) *Projected impact of proposed development:* Projected peak hour and daily traffic generated by the development on roads and ways in the vicinity of the development; sight lines at the intersections of the proposed driveways and streets; existing and proposed traffic controls in the vicinity of the proposed development; proposed pedestrian ways and design elements to maximize pedestrian safety and usage; and projected post-development traffic volumes and Level of Service (LOS) of intersections and streets likely to be affected by the proposed development.
  - (4) Proposed measures to minimize traffic conflict and mitigate any affected intersections or ways.
- E. *Traffic Impact Standards:* The Board will review the Traffic Impact Assessment and evaluate for the following:
  - (1) *Level of Service:* The Level of Service (LOS) of all impacted intersections and streets shall be adequate following project development, or the total value of off-site traffic improvements required or approved by the Planning Board as a condition of approval in any location within

the Town affected by the proposed project shall be roughly proportional to the cost of mitigating the affects of the proposed project. For purposes of this standard:

- (a) LOS shall be determined according to criteria set forth by the Transportation Research Board of the National Research Council.
  - (b) "Impacted" means intersections projected to receive at least 5% of the anticipated average daily or peak hour traffic generated by the proposed development.
  - (c) "Adequate" shall mean a level of service "B" or better for all streets and intersections, with the exception of "D" or better for all state-numbered highways and their intersections or, if level D has already been reached or exceeded, no further decline in the level of service.
  - (d) "Mitigating" shall mean the strategies and methods used to ensure that the LOS is adequate in all impacted areas.
- (2) *Traffic conflict:* The proposed site plan shall minimize points of traffic conflict, both pedestrian and vehicular. The following guidelines shall be used to achieve this standard:
- (a) Entrance and exit driveways shall be so located and designed as to achieve maximum practicable distance from existing and proposed access connections from adjacent properties.
  - (b) Where possible, adjoining parcels shall have unified access and promote inter-parcel circulation.
  - (c) Left-hand turns shall be minimized.
  - (d) Driveways shall be so located and designed as to discourage the routing of vehicular traffic to and through residential streets.
  - (e) Pedestrian and bicycle circulation shall be accommodated on and off site and shall be separated from motor vehicle circulation as much as practicable. Existing pedestrian ways shall be maintained and where no pedestrian ways exist, proposals shall create pedestrian ways and connections between streets, the proposed development, surrounding neighborhoods, and other surrounding uses. Said ways shall be landscaped and handicapped accessible.

<p style="text-align: center;"><b>ARTICLE 13</b> <b>Board of Selectmen</b></p>
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To see if the Town will vote to transfer a sum not to exceed thirty five thousand (\$35,000.00) dollars from the stabilization fund for the purposes of connecting the Town-owned buildings on the Town green to the sewer system, to supplement the amount appropriated by vote taken under Article 8 of the May 7, 2007 Annual Town Meeting, or act in any manner relating thereto.

**ARTICLE 14**  
**Board of Selectmen**

To see if the Town will vote to amend the vote taken under Article 9 Item d at the May 7, 2007 Annual Town Meeting to expand the purpose for the expenditure of the funds as authorized thereunder to include Maintenance repairs at South Station, or act in any manner relating thereto.

**ARTICLE 15**  
**Board of Selectmen**

To see if the Town will vote to amend the vote taken under Article 11 at the May 5, 2008 Annual Town Meeting which established the Town's operating budget for Fiscal Year 2009 by reducing the total amount raised and appropriated thereunder by the amount of \$184,190.00, and to transfer such funds as may be necessary therefor,  
or act in any manner relating thereto

**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 fourteen 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**

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**CONSTABLE'S CERTIFICATION**

*I hereby certify under the pains and penalties of perjury that I posted an attested 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.**