

APR 23 2014

LUNENBURG TOWN  
CLERK OFFICE

**BOARD OF SELECTMEN  
MEETING MINUTES  
4/15/2014**

The Board of Selectmen met in the Joseph F. Bilotta meeting room at Town Hall as scheduled with Chairperson Tom Alonzo, Vice Chair Paula Bertram, Jamie Toale, Robert Ebersole, & Town Manager Kerry Speidel.  
Absent was Dave Matthews  
Regular Meeting opened at 7:00 PM

**7:00PM PUBLIC COMMENT:** Mr. Ebersole spoke in support of the Planning Board and their efforts to clarify the Pleasant St. & West St. solar farm's issue with the placement of the telephone poles.

**ANNOUNCEMENTS:** Mr. Alonzo announced that the Lunenburg Boy's & Girl's Club will be holding a Town Wide Yard Sale on 5/17/2014 between the hours of 8AM and 12 Noon.

Mr. Alonzo announced that Representative Jennifer Benson will be holding District office hours on 5/13/2014 from 5:30PM-6:30PM at Lunenburg Town Hall.

Sharon Jordon, Representative from the Conservation & Open Space Committees announced that there are Public Site Walks scheduled for the Lane property on 4/19/2014 and on 4/26/2014 at 10AM. She encouraged the public to attend these walks and to support this Warrant Article at Annual Town Meeting.

**APPOINTMENTS**

**7:00 PM – Request for Permission for voluntary Toll, by Lunenburg Boys & Girls Club, June 14, 2014:** Ms. Bertram moved to approve the request for the Voluntary Toll by the Lunenburg Boys & Girls Club on 6/14/2014 in the center of Town and at the intersection of Electric Avenue & Whalom Road. Mr. Toale seconded. On vote, motion carried, 4 in favor, 0 opposed.

**7:15 PM – Request to Transfer Liquor License from RNDC, Inc. to KJ Waterfront, Inc., 84 Lakefront Avenue:** Mr. Alonzo read into record the Notice of Public Hearing for the Request to Transfer the Liquor License from RNDC, Inc. to KJ Waterfront, Inc., 84 Lakefront Avenue and opened the hearing at 7:15PM.

Kenneth Ricker came before the board to request the liquor license transfer. Mr. Ricker gave his business ownership history and what his plans were for the new restaurant, Embers Pizzeria. He indicated that this was not going to be a "Sports Bar" but rather a "Family Friendly" establishment.

Ms. Bertram voiced her concerns with the proposed outside seating area and how the alcoholic beverages would be transported from inside of the building to this spot. She would prefer that the alcohol be served from within the restaurant and not leave the establishment to get to this gated area. She would like to see outdoor seating but feels that guidelines need to be established concerning the alcohol serving issue. If the Alcoholic Beverages Control Commission (ABCC), does not have a problem with this, then neither would she.

Mr. Ricker said that the server's access to this area would be an approximate 2' walk from the front door to a concrete gated patio. The way this building is laid out makes it impossible to serve from within the establishment to this area. He is able to serve this way at another one of his establishments in Leominster, the ABCC has inspected that establishment and have no problems with it. He stated that if this will cause a problem with the transfer of this license, he will not serve alcohol on the patio and revisit that issue later.

Discussion ensued among the board concerning the following:

- If there is a change in the premises where alcohol is being served, then the BOS must review that
- Good restaurant policy should be that the servers, not patrons, should be the only ones carrying alcohol out of the building to the patio

Public Comment: John Baker, 53 Chase Rd., spoke in support of this request and complimented Mr. Ricker on his other establishments.

Ms. Bertram moved to approve the request to transfer the Liquor License from RNDC, Inc. to KJ Waterfront, Inc., located at 84 Lakefront Avenue. Mr. Toale seconded.

Discussion: Mr. Ebersole commented that Mr. Ricker also needs to go through this process with the ABCC along with the Town's Building Inspector/Zoning Enforcement in order to make sure that things are done properly.

On vote, motion carried, 4 in favor, 0 opposed.

**7:30 PM – Public Hearing, Petition of Fitchburg Gas & Electric (Unitil), Pole Location, Chase Road/ West Townsend Road:** Mr. Alonzo read into record the Notice of Public Hearing for the Petition from Fitchburg Gas & Electric (Unitil), Pole Location, Chase Road/West Townsend Rd. at 7:30PM.

Jim Dee, Representing Unitil came before the board to for permission to install 6 sole owned poles approximately 1730' North of the intersection of West Townsend Road in order to get to the entrance to the solar field road located at 651 Chase Road. He explained that the "crisscrossing" placement of the poles is to keep them off of the Central Mass Garden property for aesthetic reasons and that further down, the road curves, and they would need to be "guy wire" installed for stability.

Ms. Bertram questioned where the placement of the last pole would be and if there were others where would they be located.

Mr. Dee replied that the last pole would be across from the entrance of the property and that there would be 3 more at that property. Ms. Bertram stated that the permit issued for both the Chase Rd. property & the Pleasant St. property specifically states that there will be no poles on the solar field properties and this will need to be re-addressed by the Planning Board. She mentioned that at the Pleasant St. property there is 1 pole that is in the center of the solar farm which is in direct violation of the permit. The Planning Board will be sending a letter stating that there can be no more work done on the poles because of this violation and she would like the BOS to be aware of that fact, because the poles in question this evening, will be connected to additional poles. Mr. Ebersole questioned the "zigzagging" of pole placement and stated that the last pole is the one that he has a problem with. He asked if perhaps the board could recess this hearing until further information from the Planning Board was received regarding the placement of the last pole or perhaps the BOS could approve contingent upon approval from the Planning Board. Ms. Speidel reminded the board that this is presented to the abutters as placement of 6 poles and it would be difficult to only approve 5 of the 6. After due and diligent discussion, the BOS determined to continue this Public Hearing until Fitchburg Gas & Electric (Unitil) submits a revised plan of pole placement along with additional plans of where the underground wire placement will be installed.

There was no public comment in regards to this item.

Mr. Ebersole moved to continue this Public Hearing until 5/13/2014, at 7:15PM, for further consideration at that time. Ms. Bertram seconded.

On vote, motion carried, 4 in favor, 0 opposed.

## **CURRENT BUSINESS**

### **1. Review/ Discussion/ Recommendations of Warrant Articles for Annual Town Meeting:**

- **Article 9- FY14 Budget Amendments:** Ms. Speidel mentioned that she is not ready for the board to vote on this but mentioned that all invoices have been processed relative to the Snow Removal operation and the deficit now is \$229,000 and the projected deficit is \$8715.
- **Article 19 – Administrative Reorganization, Land Use Departments:** Ms. Speidel reviewed a draft document regarding the Administrative Organization Plan with the board. She would like the board to review it, it will remain on the 4/22/2014 BOS agenda and then a Public Hearing for this item will be scheduled for 4/29/2014. She explained that the Land Use Director would fill the role of Planning Director/Town Planner, a new role of Economic Development Director, and also serve as a coordinator of the activities of all Boards and Departments within the Land Use Group, including; Agricultural Commission; Board of Health; Building Inspection (including Electrical & Plumbing); Conservation Commission; Historical Commission; Planning Board; and Zoning Board of Appeals. Ms. Speidel would also like for this individual to serve as the unofficial Town Manager. She explained the benefits of hiring a Land Use Director, the duties or functions of this position, and the qualifications for this position. Also mentioned was that she will be following the Administrative Plan process set forth in Article 5 of the Town Charter but is unsure if this is a requirement.

Discussion among the board included the following:

- The necessity of developing a Bylaw for the Administrative Plan
- Including the Sewer Commission to the list of Land Use Departments
- Coordinating with the DPW specifically in regards to Storm Water Management

### **2. Minutes/Warrants/Action File Issues**

Minutes: 4/8/2014

Warrants: 4/15/2014 W#54-16 \$362,370.60

Action File Issues: Mr. Ebersole requested that the Gravel Removal Bylaw remain on the existing list of outstanding issues to be discussed.

Ms. Bertram requested that an update be given concerning the Lake Shirley Dam Inspections.

Ms. Speidel replied that this item will be on the 4/29/2104 BOS agenda.

Mr. Alonzo reminded board members to complete their Town Manager evaluation forms and to schedule an appointment to discuss them with the Town Manager. He would like to have this completed sometime after Annual Town Meeting and before the Town Election.

### **5. Committee Report: Board of Health; Building Reuse Committee; Capital Planning Committee; Finance Committee; Library Board of Trustees; MPO; Planning Board; PACC; School Advisory Committee on Acceptance & Diversity; School Committee; School Building Committee; Sewer Commission; MA Broadband:**

Board of Health – No Report

Building Reuse Committee – No Report

Capital Planning Committee- No Report

Finance Committee – No Report

Library Board of Trustees– Mr. Ebersole reported that this board will be meeting this Thursday to do the review of the Library Director.

MPO- Ms. Bertram asked Ms. Speidel if she knew the status of MassDOT's decision on Chase Rd.

Ms. Speidel replied that she has a reply via email from MassDOT and will forward it to Ms. Bertram.

Ms. Bertram reported the following:

- Design money for the Summer St. project has not been released by the Governor
- If the design money is not released the cost to Lunenburg will be approximately \$333,000
- This is an aggressive timeline & pushing it back a year to deal with engineering will make it questionable on whether or not we will be able to accomplish this project

- MassDOT along with our State Representatives & Senator are not optimistic that these funds will be released
- Ms. Bertram would like the BOS to be aware that if we are not able to find this money going into this budget cycle it would be a real travesty if we cannot finish this project because we could not finish the engineering.

Mr. Alonzo requested that the BOS send a letter to the State Delegation concerning this issue.

Planning Board- Ms. Bertram reported that this board discussed the following at their meeting last night:

- They closed the Public Hearing regarding the Warrant Article concerning the Marijuana Dispensary Bylaw, which they voted to accept
- Whitman & Bingham is willing to do the Site Plan review for the new Middle/High School "pro bono"
- Fast tracking elements of the Village District Bylaw and doing an Overlay District to expedite the sale of some of the properties being looked at by the Building Reuse Committee
- Highfield Village received an extension of 90 days but the project is still moving forward and there is a plan approved by the Sewer Commission
- A & R Plan for 115 Fairview Road. They are 7' short of the frontage for that lot and are looking to extend Fairview to cover this and it was mentioned that they are working with the Town Manager and the DPW Director on this issue.

Ms. Speidel commented to say that the applicant had met with her 2 months ago and she referred him back to the DPW Director and Zoning. She recalls that there is a legal unimproved section of that road and if the applicant improved it to Town standards he would have his frontage requirements.

- Planning Board gave direction to not continue working on the poles at the Pleasant St. solar field

Mr. Ebersole questioned if the BOS had approved a pole on Pleasant St. One of the residents stated that a pole was installed on the street and they may have done this without BOS approval.

Ms. Speidel replied that the applicant had spoken to her and mentioned that 3 poles were installed on private property. She will follow up on this issue.

- White Tail Crossing has had a Peer Review and there are things that need to be done in order to meet the standards
- There is approximately \$5k left of the DLT grant and it was suggested to work on the housing element of the Master Plan
- The Elmwood Rd project was extended. Ms. Bertram is concerned with hours of operation & dust mitigation and requested to the Planning Board that they look to the BOS and Building Inspector for input. Ms. Bertram would like to see the Town Bylaw changed which states that if it is an approved subdivision plan, an Earth Removal permit is exempt. She would also like the Planning Board to put stipulations into the permit regarding hours of operation and dust control measures.
- Ms. Bertram mentioned that as a citizen, not as a representative of the BOS, she voiced concerns that none of the Master Plan elements take into consideration the explosion of growth that occurred after the implementation of sewers & this needs to be looked at.

PACC- No Report

School Advisory Committee on Acceptance & Diversity-Mr. Ebersole reported that this board continues to meet with the goal of finishing their report to present to the School Committee at their June meeting. They will also be making a presentation to the BOS.

School Committee- No Report

School Building Committee- No Report

Sewer Commission - No Report

MA Broadband- No Report

## 6. Town Manager Reports or Department Reports: No Report

### APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

**1. Request from Building Reuse Committee to appoint Dave Matthews:** Mr. Toale stated that at the April 17, 2014 Building Reuse Committee meeting, the 6 members in attendance voted unanimously to recommend to the BOS the appointment of Dave Matthews to replace Joe Levine who served as a Citizen at Large on the Building Reuse Committee.

Mr. Toale moved that Dave Matthews be appointed by the BOS to serve on the Building Reuse Committee as a Community at Large Member. Ms. Bertram seconded.

Discussion: Mr. Ebersole requested that it be noted that he had made a point of getting Mr. Matthews on a committee as soon as his term on the BOS was over. He went on to say (in jest) that Mr. Toale had stolen that appointment away.

On vote, motion carried, 4 in favor, 0 opposed.

**EXECUTIVE SESSION:** None

**PUBLIC COMMENT:** Carl Luck, 50 Sunset Lane spoke to commend the Town Manager on the idea of the Land Use Director position and as a Sewer Commissioner he would like to coordinate a link with the Sewer Commission and this position.

**ADJOURNMENT:** Being no further business Ms. Bertram moved to adjourn the meeting. Mr. Ebersole seconded.

On vote, motion carried, 4 in favor, 0 opposed.

Meeting adjourned at 8:26PM

### UPCOMING MEETING SCHEDULE

April 22, 2014

April 29, 2014 Special Meeting

Respectfully Submitted,  
Susan Doherty, Recording Secretary  
Board of Selectmen