


BOARD OF SELECTMEN
MEETING MINUTES

October 13, 2015

The Board of Selectmen met in the Lunenburg Town Hall, Joseph F. Bilotta Meeting Room, as scheduled with Jamie Toale, Chair; Robert Ebersole, Vice Chair; Phyllis Luck, Member and Town Manager Kerry Lafleur. The meeting opened at 7:00 P.M with the Pledge of Allegiance.

Public Comment:

Ms. Luck announced the Lions' Club Pancake Breakfast tomorrow morning at the Senior Center. Mr. Toale stated there were some technical difficulties with the broadcast of the Eagle House Senior Center video last week following the Board of Selectmen's meeting. He informed everyone that it is available for viewing on the Lunenburg public access channel.

Appointments

Mr. Toale asked Peter McCarron and Laura Brzozoski, applicants for the Cultural Council to come forward first. Ms. Brzozoski introduced herself and stated she wanted to help out where she was needed. Peter McCarron is back after leaving the council membership for a couple of years.

Motion: R. Ebersole

2nd: P. Luck

To appoint Peter McCarron and Laura Brzozoski to the Cultural Council with a term to expire June 30, 2018

Vote: All in Favor

Ms. Lafleur moved on to the appointment of Amanda Koeck as the Council on Aging Administrative Assistant. Ms. Koeck is currently a reporter for the Lunenburg Ledger. She has extensive prior experience working for social service agencies. Her appointment is recommended by COA Director Sue Doherty and is also supported by the Council on Aging. Ms. Lafleur asked the Board to ratify her appointment this evening.

Motion: R. Ebersole

2nd: P. Luck

To ratify the appointment of Amanda Koeck as COA Administrative Assistant

Vote: All in Favor

Current Business

1. Review of Sand for Residents Program

DPW Director Jack Rodriquenz recommended eliminating this program as a daily activity/procedure for the DPW for several reasons. Safety was the first reason; the sand pile is located right inside the driveway entrance where hundreds of trips are made in and out by town truck drivers and various sub-contractors during snow storms. Residents often come in and are not sure of where to go so they drive slowly or just stop in the middle of the traffic flow area. He stated it is an accident waiting to happen. On weekends, there is a lot of activity by residents trying to access the sand pile. He has witnessed little fender benders. Another reason is abuse of

the honor system; it is rampant not only in Lunenburg but most other towns. A posted sign states not for commercial use and it is limited to filling five gallon buckets. Mr. Rodriquenz and his administrative assistant have seen tractors that come in and fill up the front buckets and tow trucks come in and take yards at a time. Pickup trucks are loaded up. We know this is happening because we have gone out and spoken to these people. It is always adversarial and not a good situation. Mr. Rodriquenz has followed trucks over the years that have taken him into the towns of Leominster, Fitchburg and Townsend. These people are stealing from Lunenburg. Other communities have hired police to oversee but we are not going to do that. It is not easy to manage.

Mr. Rodriguez stated some residents believe because they pay taxes they should have access to sand, but he pointed out the town also buys gasoline and we are not giving that out to residents. This is a gray area legally. Legal opinions from the state (Essex County) have consistently led to the conclusion that giving or allowing anyone to take municipal property is an illegal gift of tax payer-funded material. Mr. Rodriquenz has come into work early and found someone is trying to take salt out of the salt shed. DPW has put up a concrete barricade and people are hopping over the barricade. DPW fenced off the premix shed. Someone backed into the fence so hard it was knocked down so they could shovel out of the premix shed. The most dangerous issue is the large sand pile. People think nothing of going in there and filling up buckets with their kids running around and climbing the pile. He added the additional debt and lack of availability of the materials (sand/salt) is also an issue.

Mr. Rodriquenz stated going forward he plans on continuing the Sand for Seniors program. This was developed by the Fire Department, DPW and Council on Aging for seniors who sign up at the COA who cannot get out or afford sand for their homes. He agreed that residents should know in advance of this winter that this program will or will not be available.

The Board supported Mr. Rodriquenz' decision to discontinue the availability of sand for residents at the DPW. Mr. Rodriquenz thanked the Board.

Review & Order STM Warrant Articles

Ms. Lafleur introduced Cheryl Valera, Personnel Committee Chair, to review the proposed changes to the Salary Administration Plan with the Board.

Ms. Valera stated there was a summary of changes but has since met with Ms. Lafleur, Mr. Toale and the Finance Committee, so there are a few additional changes.

Section 1. Personnel Committee. Currently, a town employee serves on the committee and some issues could have a direct impact on the employee, posing a conflict of interest, so the change keeps the employee on the committee as a *non-voting* member.

Secondly, the revised document refers incorrectly to the Town Manager when it should be Town Moderator. This will be changed back to Town Moderator. Also added was in the event the Personnel Committee does not have enough members to conduct business, the Town Manager shall have the authority to administer the plan.

Section 2. Classification and Salary Schedule: Clarifies the language to specify that this plan applies to full and part time employees who are not otherwise covered by a collective bargaining agreement or individual contract.

Section 6. Job Descriptions and Interpretations. Language was edited to allow more flexibility in job descriptions; added language states the plan should be reviewed every three years.

Section 9. Layoff Procedure. CAFO was changed to Town Manager.

Section 11. New Personnel. The current plan calls for new hires to receive a step increase after a six month probationary period. The change specifies that if an employee is hired between January 1 and June 30, they must wait until the following July 1 for their first step increase. This is to simplify the administrative process and place everyone on a once per year schedule of July 1st. Also changed was approval from Department Head and Personnel Committee to Department Head and Town Manager.

Section 12. Grievance Procedure. The new procedure of filing a grievance starts with the employee's immediate supervisor (rather than the department head) and moves up the chain of command to the Department Head and then the Town Manager.

Section 17. Paid Vacation. This change is a result of a 4 day schedule of 36 hours per week with two 8 hour and two 10 hour days. All time off will be allotted in hours versus days. It will be prorated accordingly per employee.

In order to be consistent with the town employees and the clerical union as it relates to seniority, the plan provides employees with an additional 4 hours per year once they reach 10 years and caps out at 200 hours. This is prorated accordingly.

In order to comply with the Fair Labor Standards Act, if an employee resigns or is terminated for any reason, they will be paid out their unused vacation time. Approval for paying out unused time at the end of the fiscal year will be changed from the Department Head and Personnel Committee to Department Head and Town Manager.

Section 18. Paid Holidays. Since most employees do not work on Fridays, there was a lot of discussion about holidays falling on Fridays. In order to be consistent with the clerical union, the day after Thanksgiving will be designated as a floating holiday and will be prorated based on the employee's regular working hours per week.

Section 19. Sick Leave. Sick time has been converted from days to hours and will be prorated based on the employees' regular work week. The mandatory amount of a two hour minimum to be taken has been removed. Sick time circumstances are consistent with the new Massachusetts Sick Leave Law.

Section 20. Personal Leave. Changed from days to hours and prorated as well.

Section 25. Longevity Pay. Reference to bonus of \$5.00 per year has been removed and the percentage amount remains, this is most likely to equate to more money in each case.

Section 26. Travel Reimbursement. Changed from .405/mile to rate established by the IRS.

Section 27. Disciplinary Policy. There is now more flexibility depending on the circumstances of the offense. One or more steps can be skipped.

Section 28. Definitions. The definition of a full-time employee has been changed from 37.5 to 36 hours. The part-time compensation formula which addresses how to prorate employee time off has been changed.

Schedule A. Job Classifications. Missing positions have been added. Obsolete positions have been removed. References to Points Values have been removed.

Salary Schedule.- Step increases have been changed to every year rather than every two years. There is a step increase change for those hired between January 1 and June 30.

The last sentence has been changed to read "Employees receive a step increase each year until they reach the 8th step, at which time they are eligible for a Longevity Bonus. If the employee reaches 10 years of employment before reaching the 8th step, they are eligible for both the step increase and the longevity bonus."

Mr. Ebersole asked if another holiday falls on a Friday, does that become a floating holiday?

Ms. Lafleur clarified that if the employee does not work on the Friday normally, they will not receive a paid holiday. The only day that the floating holiday applies to is the Friday after Thanksgiving Day. Ms. Luck asked if an employee gets reimbursed at the end of the fiscal year for unused vacation time. Ms. Lafleur stated no. They usually are alerted that they need to use that time off before the end of the fiscal year.

Motion: R. Ebersole

2nd: P. Luck

To recommend approval of the article addressing the Salary Administration Plan as presented with some additional wording changes as discussed tonight **Vote: All in Favor**

Mr. Toale thanked Ms. Valera for the Personnel Committee's work.

Article 1- Ms. Lafleur stated there is still no collective bargaining agreement with the Professional Firefighters PFFM, Local 4358A to date, but we will continue to carry this forward.

Article 2. Prior Fiscal Year Bills

There are no prior fiscal year bills, so we will pass over this article at STM.

Article 3. Fiscal Year 2016 Budget Adjustment

There are some minor changes; we did receive an increased \$120,092 in State Aid revenue. We received \$25,684 for Chapter 70; \$78,917 for Charter Tuition Reimbursement and \$3,257 for Smart Growth 40S. In School Choice Receiving Tuition there was an increase of \$11,951 and \$283 in Library.

Under the Cherry Sheet Charges, we have increased assessments in Charter Tuition of \$73,084; Charter Tuition Assessments in the amount of \$93,940 are offset by a decrease of the Choice Tuition Assessment (\$13,320) and Mosquito Control (\$7,593).

There is also an increase in the Cherry Sheet Offsets in the amount of \$12,234; the total increase offsetting the increase in State Aid is \$85,318. This leaves a net increase in revenue of \$34,774 and net expenditures reduced by \$17,999, producing an additional \$52,773 available. The expenditures totaling \$17,999 came from a decrease of the Worcester County Regional Retirement Assessment of \$18,616 and a decrease in the Monty Tech Assessment of \$2,006. We would need to increase our Stabilization Fund percentage based contribution of \$2,623, thus leaving our additional revenue at \$52,773. This does not include a projected increase in new growth. We may see around \$20,000 but Ms. Lafleur is still waiting to hear from the Assessors' office.

This leaves a potential surplus of between \$53,000 and \$73,000. She looked at experience to date with fiscal year 2016. The biggest area of concern right now is Veterans' Benefits. We budgeted \$50,000 with claims amounting to \$48,000 to date. We don't know if any of those will be certified into calendar year 2016. This number could potentially double. We still have winter to deal with and we've had two retirements to date. We have exhausted our sick leave/retirement buyback line.

On the positive side, we are doing well with health insurance. Retirees that receive Medicare supplements from the town are on a calendar renewal rate. We have a little bit of a savings.

We are seeing an increase of retirees taking up health insurance. She would like to wait one more week to get the final new growth number. She suggested the additional revenue to go to the Reserve Fund or the Stabilization Fund. Mr. Ebersole and Ms. Luck believed placing it into the Reserve Fund was the better option.

Article 14. Appropriate or Transfer Funds to Stabilization Fund

Ms. Lafleur stated this could be taken up next week or report at Town Meeting.

Review Editorial & Legal Analysis of Codification

Ms. Lafleur referred back to the spreadsheet distributed last week. She stated Land Use Director Adam Burney was present for questions on any proposed amendments that are related to the zoning bylaw. The document reflects anything made during the May 2014 Annual Town Meeting. The proposed timetable for approval is the May 2016 Annual Town Meeting.

Binders: The first three items concern colors of the binder, with or without the seal and the title. Mr. Ebersole proposed having the binder blue with white lettering and including the town seal. He also suggested calling it "The Code of the Town of Lunenburg as recommended by Town Manager and Departments." He also recommended including regulations in the document book so they are all in one place and eventually online, although not for going to town meeting vote. Each board should be given a copy of those proposed changes that affect them so they can make those adoptions to be consistent with state law.

Ms. Lafleur stated the Charter was reviewed as well and there is one minor recommendation, however this is not going to town meeting.

Titles: the chief administrative officer is called CAFO, CA & FO and/or CAO in various places and should be changed to Town Manager. The same reference is made to Building Inspector, Building Official, Code Enforcement Officer, Building Commissioner, etc. The recommendation is to go with Building Commissioner.

Code Adoption: this addresses how the code will be adopted. Four options were provided. We could adopt renumbering only, readopt the document in its entirety, adopt changes by individual warrant articles or adoption with reference with red-line/ strike-through draft of the bylaws. We felt the red-line/strike-through would be the easiest.

Bylaws Part 1. Administrative Legislation:

Chapter 1, General Administration, Article 1, Enforcement and Penalties, the recommendation is to increase the maximum penalty for bylaws violation from \$200 to \$300.

Chapter 5, Administration of Government, in § 5-3, Town organization of Society should be changed to Town organization *or* society. We will revise as suggested.

§ 5- 4 refers to elected constables and should be changed to *appointed* constables. Staff advises making no change as the town has both elected and appointed constables.

§ 5-5 establishes a financial year from July 1 to June 30; staff suggested change is from financial to *fiscal*.

Chapter 12, Boards, Commissions and Committees

Article I. Finance Committee- bylaw §§ 12-1, 12-3, state appointment is by the Selectmen; Charter states appointment is by a Finance Committee Appointing Committee, recommendation is appointment process should mirror the Charter provisions for both sections.

Article IV Board of Health, recommendation is to remove Article IV from the Code, the bylaws precede the Charter. Staff recommends.

Article VI Public Access Cable Committee

A. speculation was on whether text from § 12- 15C was missing, it was not, a note will be made that no text is missing.

B. addresses how to post meetings according to M.G.L; this was repealed years ago, staff recommends either revising or to remove altogether.

Article VII. Sewer Commission, this article establishes a Sewer Commission while the Charter establishes a Sewer Commission, suggestion is to remove it. Land Use Director Burney interjected that he had checked the Sewer Commission wording and it is redundant. Sewer Commissioner Troy Daniels asked if the Boards could have the ability to review what affects them and respond back to the Board with their input. Ms. Lafleur stated she could reach out to the various boards/ committees as the next step in the process and request feedback.

Chapter 33, Fees. The "Auctioneer" entry in the table in § 33-3 refers to M.G.L. c.100, § 14, which was repealed in 1985. The recommendation is to delete the statutory reference and retain the entry or update the statutory reference if one exists.

Bylaws Part II, General Legislation

Chapter 105, Alarm Systems. The words "when notified" appear twice, suggestion is to remove the duplicate text.

Chapter 110, Animals, Article 1 (A) Dog Control, refers to the "Dog Officer"; recommendation is to change to "Animal Control Officer"

(B) Fees: current fees should be included; **(C) §110-1A**, state law provisions allow impounded dogs may only be held for seven days, the Town Bylaw allows ten days; the recommendation is to make no change. **(D) Fees;** fees need to be reviewed to ensure we have the updated fees.

Chapter 116, Boats and Boating Article IX, § 8, of the Town Bylaws. This chapter authorizes the Board of Selectmen to issue rules and regulations regarding the operation of boats on Town waters and includes the 1958 regulations as Attachment 1. If the regulations, including the \$20 penalty in Rule 5 are current, this chapter appears to be sufficient as written. However, the regulations in Attachment 1, refer to M.G.L. c. 102, § 15B. Section 15 of Chapter 102 was repealed in 1960, so the Town may wish to remove or revise this reference. The Police Chief recommends this be repealed in its entirety. Mr. Ebersole requested more discussion on this topic.

Chapter 127, Cigarettes. This chapter restricts the sale of cigarette rolling materials and appears to be sufficient as written. Note, however, that state law currently permits a maximum penalty of \$300, so § 127-2 could be revised to increase the penalty to \$300.

Chapter 134, Demolition Delay. Mr. Burney stated in **Article IX, § 22**, of the Town Bylaws, there is duplicate text in the definition of "significant building" in § 134-2, which could be revised as follows: SIGNIFICANT BUILDING – Any building or structure that the Historical Commission determines, in conjunction with the Building Official and Fire Chief **determines** meets one of the following conditions: . . .suggestion is to remove the second "determines."

Section 134-4A includes a parenthetical statement that the Historical Commission meets on the first Monday of the month. Based on a review of recent agendas it appears that meetings are held on the first Tuesday of every month. Suggestion is to remove the statement in its entirety as membership could change and thus change the meeting day.

In § 134-4B it appears that "of" should be changed to "to," staff recommended to do so as it is appropriate.

Chapter 140 Excavations and Earth Removal, Article 1, Earth Removal, there are some exemptions listed in § 140-12 of this article, it appears that "of" should be changed to "or" Staff recommendation is to change wording.

Article III, Street Openings. Section 140-17 refers to the "Superintendent of Highways." It should be updated to "Director of the Department of Public Works."

Chapter 143, Farming One of the statutory references in § 143-1 is incorrect. "Chapter 11, Section 125A" should instead be "Chapter 111, Section 125A."

Chapter 145, Firearms and Explosives. This chapter restricts the firing or discharge of firearms and explosives in the Town and appears to be sufficient as written, provided that the \$20 fine in § 145-2 is current. The Fire Chief has confirmed the fine is still \$20.00. Recommendation is for no change.

Chapter 168, Licensing. This article appears to be generally sufficient as written, although § 168-2 could be revised to refer to Town laws as follows: The Board of Selectmen shall have the right and power to revoke and annul any license, whenever any of the terms and conditions of such license may have been broken, or any infraction of the laws of **the Town** or Commonwealth has been committed by the licensees. Ms. Lafleur stated we would revise as suggested to include Town or Commonwealth.

Article II, Denial or Revocation of Licenses (A) for failure to pay taxes. This article has been adopted in accordance with M.G.L. c. 40, § 57. State law was most recently amended in 1996 and the Town's provisions in § 168-4 could similarly be revised as follows: The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector **or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector;** provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice. . . . Staff recommends we revise as suggested.

B. One of the statutory references in § 168-6 is incorrect. "Chapter 268" should instead refer to "**Chapter 268A**"

C. List of Exemptions. The list of exceptions in §168-7 matches that found in state law. The section on bicycle permits – M.G.L. c. 85, § 11A – was repealed in 2008. Staff recommendation is to strike bicycle permits.

Article 187, Peddling and Soliciting. This chapter requires a permit for door-to-door solicitors and appears to be sufficient as written, provided that the \$100 penalty in § 187-3 is current. It could be increased to the current statutory maximum of \$300. Staff recommends revising to \$300 penalty.

Chapter 205, Streets and Sidewalks. The handicapped parking requirements in § 205-11 could be revised to match state law provisions in M.G.L. c. 40, § 21, clause (23), as follows:

(1) Subsection A: to add the following wording:by Section 2 of Chapter 90, **or for any vehicle bearing the official identification of a handicapped person issued by any other state, or any Canadian Province** according to the following formula: . . .

(2) Subsection B: to add the following wording:sidewalk access to a handicapped person; and shall be **at least eight feet wide, not including the cross-hatch access aisle as defined by the Architectural Access Board established in MGL c. 22, § 13A. The cross hatch access aisle abutting a handicapped parking space shall be considered part of the handicapped parking space to which it abuts to provide individuals who use wheelchairs or other mobility aids with sufficient space to enter and exit their vehicles. No person shall park in the cross hatched access aisle established in MGL c. 22, § 13A. The cross hatch access aisle abutting a handicapped parking space shall be considered part of the handicapped parking space to which it abuts to provide individuals who use wheelchairs or other mobility aids**

with sufficient space to enter and exit their vehicles. No person shall park in the cross hatched access aisle. Suggestion is to revise as presented.

Chapter 209, Swimming Pools. This chapter requires a four-foot fence around private in-ground pools. Provisions have been superseded by Building Code; suggestion is to remove Chapter 209 from Code.

Chapter 228 Vehicles, Recreational. For purposes of clarity, § 228-1 could be revised as follows:as defined under Chapter 90; provided, however, that **for the purpose of** vehicles used for agriculture, forestry, lumbering or construction.....Suggestion is to remove bolded, underlined wording for clarification of the text.

B. This chapter primarily uses the term “recreation vehicle,” but § 228-2B refers to a recreational vehicle. Suggestion is to revise to clarify and change all references to recreation vehicle.

Chapter 239, Wetlands Protection. In § 239-3A, it appears that “and” should be changed to “any” as follows: The permit and application required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, **any** existing and lawfully located structure or facility used in the service of the public to **provide** electric, gas, water, telephone, telegraph.....

Chapter 250, Zoning.

A. “Building Inspector,” “Building Official,” Etc. This chapter uses a variety of terms to refer to enforcement officers, including “Building Inspector” and “Building Official.” In at least one instance, a single subsection refers to both titles – see § 250-4.9D (3)(c). Note that § 250-4.13M(2) also uses the term “Building Commissioner,” which is a term that does not appear elsewhere in the Town Bylaws, except in § 250-6.6F(2)(e), (i) and G. The term “Building/Zoning Official” also appears in § 250-4.15 C (2), (3) and (5) and in Subsection D(4). On occasion, the term “Inspector of Buildings” also appears in this chapter. See §§ 250- 4.2A (1)(b)[10], 250-5.1C(4)(a), 250-6.6A(1)(a) and S. The term “Zoning Enforcement Officer” appears in §§ 250-6.7 and 250-6.8. The correct term used should be Building Commissioner.

B. Section 250-3.2 refers to the location of several overlay districts, but does not mention the Summer Street Revitalization Overlay District in § 250-4.14 of this chapter. Suggestion is to revise and include this.

C. Section 250-4.1D (5) refers to child-care facilities as defined by M.G.L. c. 28A, § 9, which was repealed in 2008. Current provisions are found in MGL c. 15D, §§ 6 to 16. Definitions applicable to these sections are found in MGL c. 15D, § 1A. Suggestion is to change to the correct reference.

D. Section 250-4.1D (5) (f) refers to screening requirements found “in the second sentence of 6.6.15.1.” In the Manuscript, this subsection is found in § 250-6.6O (1). It addresses dish antennas and radio antenna towers and includes only one sentence. Therefore, it appears that the “6.6.15.1” citation may be incorrect. It should be 6.6Q (1). The suggestion is to revise to correct.

E. Section 250-4.2 A (1) (b) [6] refers to both the “habitable floor area” and “inhabitable floor area” for purposes of calculating accessory housing units; it appears that the provisions are unnecessarily redundant. Subsection [6] could be revised in the following way: The floor area of the accessory unit(s) shall not be more than 30% of the normally habitable floor area, excluding garage, unfinished attic and crawl space, and the normally inhabitable floor area of the principal dwelling unit after conversion.

F. Section 250-4.2 B (1) (o) [1] refers to kennel license fees established by the Selectmen in certain ranges: four dogs; five to 10 dogs; and 11 to 15 dogs. Chapter 110, Animals, § 110- 2B establishes kennel fees in the following ranges: one to four dogs; five to 10 dogs; over 10 dogs.

See also the same text in § 250-4.6C (1) (k). Suggestion was made to revise Subsection B (1)(o)[1] to remove the ranges in their entirety so that the subsection reads as follows: *A kennel license shall be issued by the Animal Control Officer subject to fees established by the Board of Selectmen.*

G. In § 250-4.2 C(1)(a)[4], “mixed residential district” should be changed to “mixed residential development” Staff recommends.

H. Section 250-4.3 E (3) refers to an “unenclosed pool.” Since the State Building Code requires all pools greater than two feet in depth to be enclosed by at least a fence, the Town may wish to use a different or more descriptive term than “unenclosed” to describe the type of pool regulated by Subsection E(3). Mr. Burney suggested this should be removed in its entirety.

I. In § 250-4.4A, suggestion was made to change “Limited Business/Residence District” to “Limited Business/**Residential** District”

J. Section 250-4.4C (9) refers to “dimensional requirements shown on the table in Section 5.4.2.f.” The referenced section does not exist in the Zoning Bylaw. It should refer to “Section 5.4.1.2.a,” which is now § 250-5.4 D (1) in the Manuscript.

K. Section 250-4.8 C (1) refers to “requirements of the Massachusetts State Building Code pertaining to construction in the floodplain (currently Section 2102).” The “Section 2102” reference is no longer correct in light of the applicability of the 2009 International Building Code. Flood-resistant construction is currently contained in Appendix G of the International Building Code, as amended by Massachusetts in 2010. Suggestion is to revise by deleting parenthetical statement to Section 2102 L.

L. Should the Town use Arabic or Roman numerals for designation of the water supply protection district zones? Staff felt Roman numerals were more appropriate and official.

M. Section 250-4.11 refers to “phased growth” for certain development in the Town. Subsection B (2) states that the provisions of this section were implemented for a limited term. The recommendation is that Section 250-4.11 is no longer in effect and to remove.

N. Section 250-4.12C permits certain uses in the Lake Whalom Overlay District, except “those uses permitted by l. . . § 250-4.6 C (1) (j) [contractors plant], (l) [kennel] and (m) [accessory uses].” The feeling was there was an error in the original creation as §250-4.6 C (1) deals with adult uses and the idea was to create a family type area.

O. Section 250-4.13, Tri-Town Smart Growth District. There appears to be a date missing from § 250-4.13C (1). April 10, 2006 should be inserted.

There is duplicate text in § 250-4.13G (5) (j). Lunenburg is entered twice and one “Lunenburg” should be deleted. Subsection G (1) states that not less than 10% of the residential units within a project shall be three-bedroom units. Subsection H (4) (b) then states that 10% of the units shall have three bedrooms. Subsection H (4) should include “not less than” provision. In § 250-14.3K(1), “Town Lunenburg Lunenburg” should be changed to “Town of Lunenburg.”

In Subsection N (3) (c), it appears that “or” should be changed to “on” as follows: Extraordinary adverse potential impact of the project **on** or nearby properties have been adequately mitigated.

P. The setback requirements for large-scale solar systems in § 250-4.15D (7) (b) refer:

(1) For front yards, to both front yard depth and front lot setback; and

(2) For rear yards, to both rear yard depth and rear yard setback.

“Depth” should be removed and ”setback” used.

Q. § 250-4.15D(7) refers to both “Residential, Outlying or Recreation District” and then “Residential, Conservation or Recreation District.” Conservation should it be changed to Outlying.

R. Height regulations for the Tri-Town Smart Growth District are included in § 250-4.13. The Town should revise the general height regulations in § 250-5.3A (3) as follows: In all other districts **except the Tri-Town Smart Growth District**, the maximum height . . .

S. Section 250-5.4D(3) requires units in structures containing more than four units to be equipped with a fire protection residential sprinkler system approved by the Town Fire Department. See also § 250-5.5D(4), which requires townhouse units in planned residential areas to be equipped with approved fire protection sprinkler systems. It was noted to make no change but Ms. Lafleur will double check with the Fire Chief.

T. Affordable housing. Affordability guarantees are set forth in § 250-4.13G (5) and in § 250-5.4E (1). Section 250-4.13 states that affordable housing restrictions must be valid for at least 30 years. Section 250-5.4 states that affordable housing restrictions must be valid for at least 20 years. Suggestion was made to remove the fixed period and substitute “in perpetuity.”

Mr. Ebersole requested more discussion on this as there is a possibility of changes to subsidies and what developers would be willing to do. There are a lot of housing restrictions that are valid for a short period.

U. § 250-5.5 B (1) should be revised in the following way: The minimum area of any Planned Residential Area shall be not less than five acres, provided that not more than 10% of this minimum area shall consist of wetlands or land under water or land with a slope in excess of 15%.

V. There may be text missing from § 250-5.5 G (1) as indicated by the following blank line:

The manner of ownership, use and maintenance of such permanent natural area,
and _____ shall be determined by the agreement, duly executed in a form suitable for recording by the owner or owners of such natural area. . . .

Mr. Burney stated there is nothing missing, just a formatting error. “And” and the line should be deleted so that text reads correctly.

W. The general off-street parking design requirements in § 250-6.1B (1) differ slightly than the requirements for planned residential areas found in § 250-5.5E. If both sets of requirements above are correct, § 250-6.1B(1) could be revised to simply add the following phrase: *Unless otherwise provided in this bylaw, . . .* Mr. Burney stated this would be appropriate.

X. Section 250-6.4, Driveways and entrances.

(1) In general, these requirements should be reviewed against the requirements in the Subdivision Regulations. The Planning Board is reviewing this. No change should be made as these address two different driveway scenarios.

(2) Section 250-6.4D (7) refers to the State Department of Public Works, which is now the Department of Transportation. This is a simple name revision.

(3) Section 250-6.4 D (6) states that entrances should be set back at least 50 feet from a street corner. This should actually be 250-6.4 **C** (6). Subsection D (10) should be **C**(10). They state 25 and 50 foot differences from offset to intersection. Suggestion is that 50 feet should be the distance for both. Section 250-6.4 C (11) sets forth requirements for driveways/entrances on lots with less than 200 feet of street frontage and more than 200 feet of street frontage. Suggestion to revise the provisions to address lots with exactly 200 feet of street frontage by changing “more than” to “200 feet or more.”

Y. Section 250-6.5, Signs.

(1) In § 250-6.5E (1), “principle buildings” should be changed to “principal buildings.”

(2) There appears to be text missing from § 250-6.5F (3) as indicated by the following blank line:

Other signs limited to directional signs necessary for public safety or convenience _____ be designated and approved as an integral part of the Development Plan as approved by the Planning Board. Mr. Burney stated it was recommended that “may” should be inserted where the blank line appears.

(3) Section 250-6.5J (1) refers to a “sign logo” erected after adoption of this ordinance. Suggestion was made to change to “sign or logo.”

(4) Subsection K defines “accessory use” and “accessory building,” terms which are not used in § 250-6.5. These should be removed.

Z. Section 250-6.6, Performance standards.

(1) Section 250-6.6C is titled “Noise,” but Subsection C (1) also refers to vibration, odor or flashing. Odor is addressed in Subsection D; and vibration is addressed in Subsection E of this section. Subsection C (1) states that no use may cause vibration perceptible more than 200 feet from the boundaries of the originating premises; while Subsection E states that no vibration shall be discernible without instruments from the outside of any structure. To eliminate any inconsistencies, Subsection C(1) should be revised as follows: No use shall be allowed if it will cause sound or noise, perceptible without instruments more than 200 feet from the boundaries of the originating premises except from warning devices, construction work, maintenance or other special circumstances.

(2) It appears that former Subsections 6.6.7 and 6.6.7 – included in the Manuscript as Subsections G and H. This should be part of Subsection F regarding wind energy systems and should therefore be renumbered as Subsections F(3) and (4) under the wind energy systems.

(3) Subsection S, Fire protection, refers to “527 CMR, Commonwealth of Massachusetts Regulations, N.I.P.A.” The “N.I.P.A.” reference is unclear. The text should refer to NFPA Regulation.

AA. Section 250-6.7, Stormwater management.

(1) In the last sentence of Subsection A (1), it appears that “born by abutters” should be changed to “borne by abutters.” Revise as suggested.

(2) The noncriminal disposition violations in Subsection N(1) should be added to the table in Chapter 1, § 1-3. Revise as suggested.

(3) Authority to enter property to ensure compliance with this bylaw is set forth both in Subsection D (3) and in Subsection N (2). These are both correct for different instances.

BB. In § 250-6.8K (5), the noncriminal disposition penalties for the illicit discharge prohibitions should be added to the table in Chapter 1, § 1-3. Revise as suggested.

CC. In § 250-8.2C, the noncriminal disposition penalties for the illicit discharge prohibitions should be added to the table in Chapter 1, § 1-3. Revise as suggested.

DD. Section 250-8.3 B(2)(b) refers to permits in Section 5.2.8.1. This subsection does not exist in the version of the Zoning Bylaw submitted for this project. It should instead refer to Section 5.2.7.1, Yard and spacing exceptions. This should be revised as noted.

EE. Section 250-8.3C (5) refers to appeals as provided in MGL c. 40A, § 17A. This reference is incorrect and we believe it should be to M.G.L. c. 40A, § 17. Revise as suggested.

Ms. Lafleur summarized that the Board wishes to discuss the following topics further; Boats and Boating, this could be discussed next week when Police Chief Marino is present for the Lake Whalom bylaw article and page 39, paragraph S, Fire Sprinklers; paragraph T, Affordable Housing. Ms. Lafleur will also follow up on animal control fees. She will also send any changes proposed to the relevant boards in addition to the review of their own regulations. She stated she

will bring this back for the next meeting with some answers. Affordable housing may take longer to research. Mr. Ebersole stated it could be a future workshop topic.

The Board signed an Accounts Payable warrant in the amount of \$479, 510.53.

Action File

Mr. Ebersole asked about discussing retiree health insurance. Ms. Lafleur stated it is being scheduled for an Executive Session with Labor Counsel.

Committee Reports

Ms. Luck reported the School Committee met and Facilities Director John Londa presented his Capital Plan out to year 2024. The Board voted to change start times once the new school is open. They also discussed MCAS and other state testing results.

Mr. Toale reported Capital Planning Committee met this afternoon and heard from the School Department on their long range Capital Plan. He stated the discussions around long term process have been good.

Public Comment

Troy Daniels praised Town Manager Lafleur on her professionalism and responsiveness to him. He stated they have not always agreed on issues but she has always acted in a professional manner. Mr. Daniels stated he was motivated to come in tonight regarding IT director, Steve Malandrinos. He stated Mr. Malandrinos also has a professional attitude and has been quick to respond to him on the three or four times he has had interactions with him. He congratulated the Town on his hire adding he provides a high level of customer service. Mr. Daniels wanted to share this with the Town Manager and the Board from a customer perspective. Ms. Luck and Mr. Ebersole echoed this as well. The Board thanked him for his feedback.

Mr. Ebersole reported the Water District is meeting tomorrow night at 7:00 pm to continue their regular business and their discussion on the proposed expansion into Lancaster.

Mr. Toale stated their next meeting is October 20th.

Motion: R. Ebersole
To adjourn the meeting

2nd: P. Luck
Vote: All in Favor

Respectfully submitted,



Elaine M. Peterson
Executive Assistant to the Town Manager