

# **LUNENBURG PLANNING BOARD TOWN OF LUNENBURG**

Emerick R. Bakaysa, Chair  
Joanna L. Bilotta-Simeone, Vice-Chair  
Thomas W. Bodkin, Jr., Clk.  
Robert J. Saiia, Mbr.  
Nathan J. Lockwood, Mbr.  
Marion M. Benson, Planning Director



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## Public Hearing Minutes Citizen Petition Town Meeting Article April 30, 2012

Meeting Posted: Yes  
Place: Town Hall, 17 Main Street, Lunenburg, MA 01462  
Time: 6:30 PM

Present: Emerick R. Bakaysa, Joanna L. Bilotta-Simeone, Thomas W. Bodkin Jr., Nathan J. Lockwood, Marion M. Benson  
Absent: Robert J. Saiia

Hearing opened with the Chair reading the public hearing notice published in the Sentinel and Enterprise on April 16 and April 23, 2012.

The Hearing was to hear a citizens' petition (listed as Article 18 on the Warrant) to amend the Zoning Bylaw by adding to the current bylaw Section 4.0. use Regulations, a new Section entitled Section 4.15. Solar Energy Systems.

David Prokowiew, 733 West Street, read Article 18 (attachment 1) on behalf of the citizens. He then read a prepared statement into record (attachment 2).

Motion, Mr. Bodkin Jr., Second, Ms. Bilotta-Simeone to have Board discussion on Article 18.

The Board voted unanimously to NOT accept the citizen petition article.

Motion, Mr. Bodkin Jr., Second, Ms. Bilotta-Simeone, to close the Hearing and enter Board meeting to discuss the bylaw. Roll Call Vote, Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone, aye; Mr. Bakaysa, aye. The Hearing closed at 7:15 PM.

Board discussed amending the Planning Board Bylaw on Town Meeting floor with the incorporation of specific portions of the citizen petition bylaw agreed upon by the Board and the citizens. The petition bylaw would then be passed over.

Mr. Bakaysa felt as-of-right siting shouldn't go back to town meeting. The special permitting process in place provides suitable controls. Going back to a town meeting is too restrictive and lengthens the expedited permitting process for medium and industrial-scale solar.

The citizens wanted **4.15.4.3. 1. Standards: Bullet 2.** to include the addition "and that a minimum of 2/3 of the abutting properties do not object to the proposed installation". Mr. Bakaysa noted that this could be stacked either for/against the abutting properties, depending on the neighborhood. The Board has to look at what is in the best interest of the community as a whole. The Board and the citizens agreed that stronger wording would be placed in **4.15.4.3. 1. Standards: Bullet 2.** Board would obtain feedback from Town Counsel as to appropriate wording to strengthen Bullet 2. Ms. Bilotta-Simeone noted that there are four Bullets that applicant would have to meet, irrespective of whether or not the 2/3 was included in the bylaw.

Mr. Whalen, 526 West Townsend Road, suggested that the following be added to **4.15.4.3. 1. Standards: Bullet 2:** "Proposed installation shall not present an undue hardship upon an existing residence".

Ms. Bertram, 312 Townsend Harbor Road, inquired as to the criteria the Board will use to determine if project "adversely affects a neighborhood".

Ms. Benson to consult with Town counsel regarding the above two items.

Board and citizens were in agreement with the following:

**4.15.4.9. A. Lighting and Security;** delete "placed as to not infringe on private citizens' property" and insert "shielded from viewing abutting private property or invading the privacy of any abutting residential property owner".

**4.15.4.11. Abandonment and Removal;** Insert first sentence to read "Absent notice of a proposed date of decommissioning the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board". Insert the words "or abandonment" at the end of the second sentence.

Board felt something needed to be incorporated to fill gap in medium-scale projects and less than 20 acres. Mr. Bakaysa recommended leaving medium-scale out and coming back at next town meeting when a better way can be found to appropriately define setbacks and buffer strips for medium-scale. Ms. Benson to consult with Town Counsel.

Citizens and Board in agreement with keeping **4.15.1. Purpose** and **4.15.2. Definitions** of Planning Board bylaw.

Mr. Whalen noted that small self-contained solar accessories are not addressed by this bylaw in the **Definitions**. Ms. Benson to consult with Town Counsel for an exclusionary statement for typical household related appliances.

Motion, Ms. Bilotta-Simeone, Second, Mr. Bodkin Jr., to close Board meeting. Motion passed. Adjourned 9:30 PM.