

INITIALS \_\_\_\_\_

**LUNENBURG PLANNING BOARD  
TOWN OF LUNENBURG**

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



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Minutes  
April 22, 2013

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

**134 Leominster Shirley Road, Proposed Retail Motor Fuel Outlet- Modification Approval-** Previously approved Plan had to be modified due to request of Tennessee Gas for developer to remove all drainage infrastructure out of the Tennessee Gas right-of-way. Jesse Johnson, David E. Ross Associates, reviewed modified plan; it met all stormwater guidelines. All changes were underground. Motion, Ms. Bilotta-Simeone, to approve Modification for 134 Leominster Shirley Road, Second, Mr. Bodkin Jr., Roll Call Vote- Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone, aye; Mr. Bakaysa, aye.

Motion, Ms. Bilotta-Simeone, to enter into Public Hearing for Aro Estates, Second, Mr. Bodkin Jr., Roll Call Vote- Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone, aye; Mr. Bakaysa, aye.

**PUBLIC HEARING (continuation)- Aro Estates Subdivisions 1 – 10, Howard Street-** see separate minutes

**Aro Estates Subdivisions 1-10, Howard Street- Draft Findings and Directives-** Board discussion ensued. Ms. Bilotta-Simeone, Mr. Lockwood, and Mr. Bakaysa all opined that the 80,000 square foot lot size applied. Mr. Bodkin Jr. felt that in its entirety it violated Section 5.6. of the Zoning Bylaw, yet each subdivision should be looked at individually. Mr. Bakaysa suggested the Board put aside Section 5.6. and look at the individual subdivisions.

The court case was dismissed in December 2011. As the Applicant did not file the new application until several months had elapsed, Attorney Bard questioned if that was considered a reasonable time.

Motion, Ms. Bilotta-Simeone, to not approve plan based on Section 5.6. and the requirement of 80,000 square foot lot area as it applies to the overall plan, Second, Mr. Lockwood. Open for discussion. Mr. Lockwood asked Attorney Bard for process if litigation ensues, and the courts decide in favor of the Applicant. It would probably be remanded back to the Board with "direction" to approve based on the court's ruling. Mr. Bakaysa opined that each subdivision had to be viewed individually before a decision could be made on 80,000 versus 40,000 square feet. Attorney Bard noted that the 8-year zoning freeze begins when the Board endorses the plan.

Vote was taken on Ms. Bilotta-Simeone's aforementioned Motion. Mr. Lockwood, nay; he wanted to discuss each subdivision individually. Mr. Bodkin Jr., was of the same opinion as Mr. Lockwood. Ms. Bilotta-Simeone withdrew Motion. Motion, Ms. Bilotta-Simeone to deny Aro Estates 1 based on violation of Section 5.6. of the Zoning Bylaw, failure to meet the 80,000 square foot lot area requirement, and as further described in the Decision denying approval of definitive subdivision Aro Estates 1. Mr. Bodkin Jr. amended Motion to apply the 40,000 square feet instead of the 80,000 square feet, Second, Mr. Lockwood, Roll Call Vote- Mr. Lockwood, nay; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone, nay; Mr. Bakaysa, nay. Amended Motion did not pass.

Board voted on aforementioned Motion of Ms. Bilotta-Simeone, Second, Mr. Lockwood, Roll Call Vote- Mr. Lockwood, aye; Mr. Bodkin Jr., nay; Ms. Bilotta-Simeone, aye; Mr. Bakaysa, aye.

Motion, Mr. Lockwood, to deny Aro Estates 2 based on the draft Decision, which include, 40/80, Section 5.6., and supporting details, Second, Ms. Bilotta-Simeone, Roll Call Vote- Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone, aye; Mr. Bakaysa, aye.

Motion, Mr. Lockwood, to deny Aro Estates 3 based on the draft Decision, which include, 40/80, Section 5.6., and supporting details, Second, Mr. Bodkin Jr., Roll Call Vote- Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone, aye; Mr. Bakaysa, aye.

Motion, Ms. Bilotta-Simeone to deny Aro Estates 4 based on violation of Section 5.6. of the Zoning Bylaw and failure to meet the 80,000 square foot lot area requirement and as further described in the Decision denying approval of definitive subdivision Aro Estates 4, Second, Mr. Bodkin Jr., Roll Call Vote- Mr. Lockwood, aye; Mr. Bodkin Jr., nay; Ms. Bilotta-Simeone, aye; Mr. Bakaysa, aye.

Motion, Ms. Bilotta-Simeone to deny Aro Estates 5 based on the draft Decision, which include, 40/80, Section 5.6., and supporting details, Second, Mr. Lockwood, Roll Call Vote- Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone, aye; Mr. Bakaysa, aye.

Motion, Ms. Bilotta-Simeone to deny Aro Estates 6 based on the same criteria as Aro Estates 5, Second, Mr. Lockwood, Roll Call Vote- Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone, aye; Mr. Bakaysa, aye.

Motion, Mr. Bodkin Jr., to deny Aro Estates 7 for reasons set forth in the draft Decision, Second, Ms. Bilotta-Simeone, Roll Call Vote- Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone, aye; Mr. Bakaysa, aye.

Motion, Mr. Bodkin Jr., to deny Aro Estates 8 for reasons set forth in the draft Decision, Second, Ms. Bilotta-Simeone, Roll Call Vote- Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone, aye; Mr. Bakaysa, aye.

Motion, Ms. Bilotta-Simeone, to deny Aro Estates 9 for reasons set forth in the draft Decision, Second, Mr. Lockwood, Roll Call Vote- Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone, aye; Mr. Bakaysa, aye.

Motion, Ms. Bilotta-Simeone, to deny Aro Estates 10 for reasons set forth in the draft Decision, Second, Mr. Bodkin Jr., Roll Call Vote- Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone, aye; Mr. Bakaysa, aye.

Mr. Bodkin Jr. stated that in above votes, he was in agreement except for his previously stated opinion that 40,000 square feet should apply.

Attorney Bard will make the necessary changes to the Decisions, email to Ms. Benson for Board signatures and filing with the Town Clerk's office.

The Board expressed its appreciation to Mr. Bodkin Jr., noting this will be his last Board meeting.

Motion, Ms. Bilotta-Simeone to adjourn, Second, Mr. Bodkin Jr., adjourned 9:30 PM.