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# LUNENBURG PLANNING BOARD TOWN OF LUNENBURG

Joanna L. Bilotta-Simeone, Chair  
Nathan J. Lockwood, Vice-Chair  
Damon McQuaid, Clk.  
Emerick R. Bakaysa, Mbr.  
Matthew Allison, Mbr.  
Marion M. Benson, Planning Director



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Minutes  
August 12, 2013

Meeting Posted: Yes

Place: Town Hall, 17 Main Street, Lunenburg, MA

Time: 6:30 PM

Present: Joanna L. Bilotta-Simeone, Nathan J. Lockwood, Damon McQuaid, Matthew Allison, Marion M. Benson

Absent: Emerick R. Bakaysa

**MINUTES APPROVAL:** 7-22-13, Motion to approve, Mr. Lockwood, Second, Mr. McQuaid. Minutes signed.

### APPOINTMENTS:

**Highfield Village-** Presentation by Mr. Oldfield, Project Engineer, and Mr. Godfrey, Developer. The project has gone through several years of changes regarding access, sewage and overall layout. It now consists of 66 cluster (house built on less than an acre) units. The developer is requesting an extension while awaiting approval from the Sewer Commission (which is contingent upon MEPA approval), an IMA with Fitchburg (which is contingent upon a sewer agreement), and MEPA approval (which is contingent upon the IMA). The proponents are meeting with the Sewer Commission on August 13<sup>th</sup> and anticipate getting the sewer agreement solidified in order to proceed with the IMA. The proponents verbally requested an extension from the Board as their existing one expires August 13<sup>th</sup>. As an exact completion date is not known at this time, the Board voted to grant an extension to October 22, 2013. Motion, Mr. Lockwood, Second, Mr. McQuaid, all aye. Mr. Lockwood requested the Sewer Commission be invited to the October 21<sup>st</sup> Board meeting for any input they may wish to provide.

**ANR- 1401 & 1417 Massachusetts Avenue-** Presented by Ms. Speidel, Town Manager. When the Primary School was constructed, it was discovered, through a land survey that the driveway for 1417 Massachusetts Avenue was on Town property. At that time a land swap took place whereby the Town gave land for to the property owner for the driveway and in return the property owner gave a parcel to the Town. For this to occur, the Town had to request special legislation. Article 45, at the May 2006 Town Meeting gave the Board of Selectmen permission to petition the legislature for the land swap. The general court approved the petition in November 2007. Neither the Town nor the property owner submitted an ANR once the petition was approved. Once tonight's ANR is approved by the Board, the Town will prepare a deed, thereby completing this process. Motion, Mr. Lockwood to approve ANR, Second, Mr. McQuaid, all aye. Mylar will be obtained from Whitman & Bingham Associates and be available in the Planning Office for Board signatures.

### COMMITTEE REPORTS:

**MJTC, Mr. Allison-** No August meeting.

**MRPC, Ms. Bilotta-Simeone-** MRPC pending action items were reviewed.

**School Building Committee, Mr. Lockwood-** MSBA approved latest version of plan. Mr. Lockwood noted e-mail from the School Superintendent which contains links to updates.

**School Reuse Committee, Mr. McQuaid-** Committee has come up with four options to study. They are (in no particular order), 1) determine cost of Passios demolition with intent to leave property vacant, 2) determine programmatic needs for Ritter, Town Hall, Brooks House and Eagle House, and come up with cost to renovate Passios to house same, 3) determine same needs but tear down Passios and build a new municipal building for the Town, 4) produce an RFP (request for proposal) from the private sector to rebuild/renovate Passios to provide meaningful use which would add to the Town Center.

**Capital Planning Committee, Ms. Benson-** Packets will go to Department Heads September 3<sup>rd</sup>.

*Building*

**OLD BUSINESS: Planning Board Goals-** Mr. Allison opined that reference to Ch. 41, MGL, was vague and should also include Section 81-A and 81-B. Mr. McQuaid thought the Board would be holding a workshop meeting. Mr. Lockwood noted the Board is looking for a specific set of Goals. Reference was made to a previous Board meeting (June 24) in which specific Goals were brought forth. These will be incorporated and then the Board will hold a workshop to "fine tune" its Goals. Mr. Lockwood placed emphasis on how the Board will track its Goals and specific issues they want to accomplish. He suggested individual members be responsible for specific areas, e.g., agricultural, economics, Town Center, etc. Each Board meeting should include an update of what has been accomplished towards the Goals. Ms. Bilotta-Simeone suggested including status update of Goals under Committee Reports. Board will begin its September 23<sup>rd</sup> meeting at 5:30 PM for a workshop to discuss Goals. (It was noted at the meeting conclusion that it will be the meeting of August 26, 2013 which will begin at 5:30 PM at Town Hall.)

**PLANNING DIRECTOR'S REPORTS/NEW BUSINESS/DEVELOPMENT STATUS REPORTS:**

**300 W. Holman & 300 Holman St-** Property under MGL Ch. 61B. It is on the market, but at this time no formal request has been received by the Town to come out of Chapter. Mr. Allison noted there are high tension lines on one of the parcels. He inquired as to the timeline for the Town on the Right of First Refusal and Ms. Benson noted that the property owner has not yet applied. Item will be placed on the September 23<sup>rd</sup> agenda for discussion. Mr. McQuaid noted area is low-lying with lots of water. Ms. Benson noted property goes to the head waters of Mulpus Brook.

**Public Document Access-** Noted recommendations of IT Director and Board responses. Mr. Allison concerned with Board access to documents; not concerned with public access. Both Mr. Lockwood and Mr. McQuaid were of the opinion that a user name and password should not be required to view the files; they should be set as read only for public access. Ms. Benson to move ahead with process. Mr. Allison opined that the Board should have a projector and screen, live chat online for input during meetings, pre-loaded tablets available for each Board member's efficiency during meeting to preclude paper shuffling. Ms. Speidel noted Town Hall has Wi-Fi. She also noted a Select Board member had previously requested the possibility of PCs for each Select Board member and it was determined at that time there was not a cost benefit over paper copies for the Select Board. Board opined that agenda packets currently PDF'd to Board could be uploaded for public access, thereby eliminating the need to e-mail agenda packets to Board members.

**MRPC-** Ms. Benson noted MRPC's response to questions raised at the July 22<sup>nd</sup> Board meeting and distributed additional information from MRPC to include Westminster Re-use Committee Report and sample bylaws. Board will review MRPC's response to their questions and discuss at the next Board meeting.

**Force Corp., 305 Leominster Shirley Rd-** Noted application received for a development plan review. Application submittal not complete at this time. Applicant has received Zoning Board of Appeals Special Permit for the use.

**Ryan & Amy Lazaro, 617 Leominster Road-** Applicants requesting a driveway permit. As property is located on a Scenic Road, a public hearing must be held. Additional information is being requested from the applicant before a hearing can be scheduled.

**Citizen Survey-** Blank Surveys will be placed in Town Hall, Library and the Ritter Building for citizens and will also be accessible online. Seminars will be held at the Eagle House to assist the seniors in completing the Survey. Ms. Bilotta-Simeone is requesting that a robocall be placed to Town residents and that a notice is placed on the Fire Department's signboard. Mr. McQuaid suggested the Lunenburg Ledger put a link to the Survey in the paper. Ms. Benson noted the Fire Chief previously stated the signboard is for emergency notices only. Ms. Benson suggested the newly erected signboard located adjacent to the Ritter Building. Mr. Allison opined that the Survey was not citizen-friendly. Mr. McQuaid suggested it needed to include a definition of the CPA (Community Preservation Act) for the understanding of the citizens. It was recommended to continue with the Survey as presented to include a definition of the CPA and a question on medical marijuana as noted below.

**White Tail Crossing-** Developer in the process of complying with engineering review letter of March 2013. Developer hopes to come before a fall town meeting for road acceptance. Mr. Allison noted No. 11.) of the review which states "the...Mylar, stamped, signed and dated by a PLS or P.E." He thought that Mylar road plans should be approved by both a PE and a PLS.

**Stone Farm Estates-** no report

**Highfield Village, Massachusetts Avenue-** see appointment above

**Mobil Station, Leominster Shirley Road-** Construction has begun. Ms. Bilotta-Simeone inquired as to the fuel and food vendors to respond to citizen inquiries.

**Emerald Place at Lake Whalom-** Street number changes noted as a result of the recent modification. Discussion ensued regarding Board request for additional crosswalk installation. A crosswalk is currently located from the development to the lakefront. Developer will put an additional crosswalk in place, which will be from the development to the beach area. Developer appearing before the Board at its September 23<sup>rd</sup> meeting to discuss lease-to-own and the Board can also discuss crosswalks with the Developer at that time.

**Tri Town Landing, Youngs Road-** Ms. Benson noted yearly update. Three building completed and occupied for a total of 99 units. The Town Assessor worked with the State to determine if the development meets State criteria for student reimbursement. It was determined that the Town does not qualify for this year. Both the Assessor's Office and the Planning Office are awaiting written confirmation from the State.

**Asian Imperial, Electric Avenue-** Chain replaced and reflector added. Discussion ensued as to what portion of site is owned by the State. Mr. Allison opined that the chain is on the MA Highway right-of-way.

**Whites Woods, Phase III, White Street-** no report

**Medical Marijuana-** Board voted at its July 22, 2013 meeting to create a bylaw for the fall town meeting to put a year moratorium on marijuana clinics. A question will be placed on the Citizen Survey to ask citizens if they would like to see a facility in Lunenburg.

**NOTICES & COMMUNICATIONS:**

**Posting of Meetings-** noted

**Zoning Board of Appeals Notices-** noted

**ACTION FILE:**

**301 CMR 11.00-** scanned to members

**Fee Schedule-** Question arose if Select Board approval was required to levy a new fee for project extensions. Awaiting response from the Town Clerk. Noted survey from surrounding towns. If a fee is put in place, Ms. Bilotta-Simeone opined that the amount must be justifiable, i.e., it must cover the administrative staff costs of time involved to process same. Mr. Allison felt the fee should be "excessive" to inhibit developers from requesting extensions.

**Fin Com Liaisons-** scanned to members

**Tri Town Landing, Youngs Rd-** no report

**Whalom Road LLC/Lunenburg Village-** ZBA continuance scanned to members. Mr. Allison opined that the Board should have some input in the name of the development. Ms. Bilotta-Simeone to research with Town Counsel.

**Hazard Mitigation Plan Update-** scanned to members

**Lunenburg School Plan-** news article scanned to members

**MEETING SCHEDULE:**

August 26 – 5:30 Workshop, 6:30 PM Board Meeting, Town Hall

September 9 – 6:30 PM, Town Hall

September 23 – 6:30 PM, Ritter Memorial Building

**MEMBER ISSUES:**

**Town Land Acquisition-** Mr. Lockwood discussed his proposal of the Board working with the Select Board and researching the feasibility of acquiring the parcels on Prospect Street abutting Whalom Lake. He feels this would provide for more public recreation on Lunenburg lakes. Motion, Mr. Lockwood to turn proposal over to Open Space and Recreation Committee and/or Select Board for investigation. Ms. Benson and Mr. Lockwood will coordinate on a draft letter to the Select Board.

**Town Center-** Noted Mr. Allison's documents suggesting the Board investigate the potential of creating a wide spread and well-connected town center. Documents will be sent to MRPC.

**BOARD COMMENT:**

- Mr. McQuaid noted speed of vehicular traffic on Lancaster Avenue. A speed limit sign that cautioned drivers to go slow due to tractors is missing and should be replaced. Ms. Benson will pass comment on to DPW Director.
- Mr. Allison noted Tri Town Plans. Could not understand why there was a License Agreement as there are numerous easements noted on the plans. Noted the reviewing engineers are not catching errors on plans. Mr. Lockwood noted that when a plan comes before the Board, they need to pay attention to any easement. Easements have to be approved by the Board of Selectmen.

*Town Easements*

**PLANNING DIRECTOR COMMENT:**

Ms. Benson noted both items below need updating. Will confer with the Town Manager regarding funding.

**Update of Rules and Regulations Governing the Subdivision of Land-** Ms. Bilotta-Simeone requested that the Agricultural Commission receive a copy. Mr. Lockwood opined that the specified acreage of 25 acres should be phased out of Section 5.6. of the Zoning Bylaw. Ms. Benson to confer with Town Counsel for clarity in Section 5.6. Mr. Allison opined that a checklist should be in place for reviewing engineers and Mr. Lockwood also noted that easement review needs to be part of that checklist. Ms. Benson to provide the Board with the checklist for any possible additions and/or changes.

**Update of Rules and Regulations for Telecommunication and Cellular Towers-**

**PUBLIC COMMENT:** none

**EXECUTIVE SESSION:** Board did not go into Executive Session

**ADJOURNMENT:** Motion to adjourn, Mr. McQuaid, Second, Mr. Lockwood, adjourned 9:28 PM.

Documents used at meeting:

Highfield Village Chronological Order

Planning Board Goals

Board Questions to MRPC

Application for DPR, 305 Leominster Shirley Road

MGL Ch 40, Section 15c

Scenic Road Driveway Permit Application, 617 Leominster Road

Citizen Survey

White Tail Crossing Review

Emerald Place at Lake Whalom Street Number Change

Emerald Place at Lake Whalom Weekly Update

Medical Marijuana News Article

Medical Marijuana Draft Bylaw

Town Clerk Meeting Memo

ZBA Special Permits- 321 Whalom Road, 5 Spring Street, 178 Peninsula Drive

ZBA Hearing- 29 Pine Acres Road

301 CMR 11.00

Fee Schedule Research

FinCom Liaisons

Whalom Road LLC Hearing Continuance

Hazard Mitigation Plan Update

Town Land Acquisition Information

Video recording on file.