

INITIALS \_\_\_\_\_

## **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



Tel: (978) 582-4147, ext 5  
Fax: (978) 582-4353  
960 Massachusetts Avenue  
Lunenburg, MA 01462

Minutes  
April 14, 2014

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, Emerick R. Bakaysa, Matthew Allison

Also Present: Chantell Fleck, MRPC

Absent: Marion M. Benson

**PUBLIC HEARING (cont'd), Warrant Article for May 2014 Town Meeting, RMD (Registered Marijuana Dispensary) Bylaw-**

See separate minutes.

**Motion to Accept RMD Bylaw-** Motion, E. Bakaysa, to accept RMD Bylaw and forward to Town Counsel for review, Second, D. McQuaid, all aye.

**Highfield Village, Extension Request-** J. Godfrey, project developer, noted sewer plan was accepted by the Sewer Commission. Site plans have been received in the Planning Office and supplied to David E. Ross (DR) Associates for review. DR will review the plans to ensure changes recommended by the previous reviewing firm (Marsden Engineering) have been incorporated into the new plans. An in-house tech meeting will be held April 23<sup>rd</sup> to bring Town Departments up to date. The Hearing Continuation is scheduled for May 12<sup>th</sup>. The EIR (Environmental Impact Report) is outstanding and in final determination by MEPA (Massachusetts Environmental Policy Act). The Town submitted a request for a sewer extension permit to DEP (Department of Environmental Protection). That is currently in a 30-day review. A final design is before the Conservation Commission to get an Order of Conditions for project construction. Developer requesting from the Board a 90-day extension to July 14, 2014. Motion, D. McQuaid, to extend to July 28, 2014, Second, M. Allison, all aye.

**ANR- David/Sandra Diperri, 115 Fairview Road-** Plan accepted for review. Parcel A, consisting of 353 sq. ft., is to be conveyed to the Town for street purposes. Applicant has discussed this with Building/Zoning Official, Town Manager, and DPW Director. Applicant noted he is expecting a letter from the DPW Director stating same. Applicant going before the Zoning Board of Appeals as existing barn does not meet required setbacks. Submittal does not contain completed Board of Health form with Nashoba Associated Board of Health signature as Mr. Garreffi has a question for the State. Applicant currently has a septic system. Sewer runs up the street and applicant suggests an enforceable agreement with the Planning Board that applicant ties into Town sewer on/before occupancy of the house that will be constructed. Board noted as part of review process the plan will be reviewed by the Sewer Commission.

**ANR, Sean Connery, 317 Sunny Hill Road-** Plan accepted for review. Lot 5 being changed into Lots 5A and 5B.

**Pleasant Street Solar-** Eric Aubrey with Gehrlicher Solar on behalf on the developer. There is an issue of utility poles being installed on-site. There will be four on site. (There will also be four poles at the Chase Road site.) Pole location was not in the Board approved Plan. E. Aubrey noted these are Unitil poles. J. Bilotta-Simeone noted Board Approval states all utility wiring is to be underground. E. Aubrey noted since the Plans were approved 2-3 years ago, utility companies now require pole mounting for monitoring of the solar field. Without the poles, there is no project. The equipment that goes on the poles protects the sub-station. If there is a power surge, it will shut the field off from the grid. J. Bilotta-Simeone noted she needs to research. She inquired of C. Fleck if a Cease and Desist could be issued. C. Fleck responded that the Board was within its rights to do the research as the Approval specified all utilities would be underground. M. Allison opined that the pole could be in a different location. J. Bilotta-Simeone notes letter this date from Building/Zoning Official stating "...several utility poles...installed by the utility company that were not shown on the site plan... any poles...not approved by the Planning Board would require their approval. ...some or all of the poles may also require the Selectman's approval if their location requires such additional approval..." DR did a site inspection on April 2<sup>nd</sup> and noted "no pole is installed at the driveway and Pleasant Street intersection

as proposed and approved.” N. Lockwood opined that it would be beneficial for the Board and the reviewing engineer to have information from the developer as to what exactly is being required by the utility company. E. Aubrey noted that the solar field only takes up 4.5 acres of the 47 acre site and that the remaining acreage is available to the residents. E. Bakaysa inquired if this requirement is unique to Massachusetts. E. Aubrey will get information from Unitil stating the ground-mounted requirement. M. Allison and E. Bakaysa inquired if poles could be along Pleasant Street or the tree line. M. Allison would like to know the minimum spacing of the poles. E. Aubrey stated they could be moved, but the utility company requires twelve and one half feet from the property line on either side. Board requested name of contact person at Unitil to provide to DR for research. J Bilotta-Simeone inquired process for Cease and Desist so no more wiring work is done. E. Aubrey noted that the developer has done all it can do. Nothing else will happen with the poles.

**MINUTES APPROVAL:** All minutes signed.

Motion, N. Lockwood, to approve 3-24-14, Second, M. Allison.

Motion, N. Lockwood, to approve 3-24-14 Public Hearing, Second, D. McQuaid .

Motion, N. Lockwood, to approve 4-7-14 Workshop, Second, D. McQuaid.

#### **COMMITTEE REPORTS:**

**MJTC, M. Allison-** No meeting held.

**MRPC, J. Bilotta-Simeone-** State Land Use Bill legislation ongoing to revise Ch. 40A to change the land use and subdivision control law.

**School Building Committee, N. Lockwood-** Building cost being estimated based on latest stage of design. Architectural firm moving forward with next level of design. J. Bilotta-Simeone noted that Whitman & Bingham Associates, the Planning Board's peer reviewing firm, has stated they will do a pro bono review. Town Manager has been informed.

**Building Reuse Committee, D. McQuaid-** Committee back up to nine members. Subcommittee meeting will be held on issue of getting goals accomplished re planning and zoning of Town Center with a Village District or Overlay District. C. Fleck suggested the Board start working on public outreach/site walks.

**Agricultural Commission, M. Allison-** No meeting held. It was noted that the Right to Farm bylaw is on the Warrant.

#### **NEW BUSINESS/DEVELOPMENT STATUS REPORTS:**

**MS/HS Project-** No report

**Highfield Village-** See “extension request” above.

**Force Corporation, 305 Leominster Shirley Road-** Noted well and septic system being done.

**Definitive Subdivision, 50 Elmwood Road-** Whitman & Bingham Associates, on behalf on the applicant, requesting that the decision period for the Board to act on the proposed subdivision be extended for 90 days. J. Rheault, Whitman & Bingham Associates noted the buyer and seller are still working on the transaction. Motion, D. McQuaid, Second, M. Allison, all aye. Extension approved to July 14, 2014.

**Whites Woods-** No report.

**Emerald Place at Lake Whalom-** No report.

**651 Chase Road Solar-** Noted update of site work.

**265 Pleasant Street Solar-** Noted update of site work. J Bilotta-Simeone requested letter be sent to the developer confirming no more electrical work will be done.

**250 Whalom Road, Lunenburg Village-** Noted Zoning Board of Appeals continued hearing. Next hearing dates are May 28<sup>th</sup> and June 25<sup>th</sup>. J Bilotta-Simeone updated the Board on the hearing.

**White Tail Crossing-** Roadway inspected by DR. Some work still needed to be done in the field. DPW Director noted, per conversation with the Town Manager, there will be a Fall Town Meeting if the developer does not get approval at May Town Meeting.

**Annual Town Meeting- May 3, 2014-** Noted

**ACTION FILE: Master Plan, Housing Element-** Discussion on use of FY2013 encumbered funds for updating an Element of the Master Plan. J. Hume, MRPC, felt it would be beneficial for the Board to proceed with the Housing Element as housing is considered an eligible project under the DLTA. A Housing Element would normally cost \$8,000 - \$10,000, but in conjunction with the DLTA, it would be reduced to approximately \$4,000 which would make use of the encumbered funds. The only Element that has been updated since 2002 is Economic Development. The Open Space Plan could be converted into an Element for around \$2,000, but does not fall under DLTA. A Housing Element “identifies and analyzes existing and forecasted housing needs and

objectives including programs for the preservation, improvement and development of housing.” Motion, N. Lockwood to move ahead with MRPC on the Housing Element, Second, D. McQuaid, all aye. J. Hume to follow up with the Town Manager as to the DLTA portion. He noted it takes approximately three meetings with the Board to do an Element. He will have a draft presentation for the Board in approximately a month.

**MEETING SCHEDULE:**

April 28, 6:30 PM, Ritter Memorial Building  
May 3, 8:15 AM, High School Auditorium  
May 12, 6:30 PM, Town Hall  
**Tuesday**, May 27, 6:30 PM, Ritter Memorial Building

**PUBLIC COMMENT:**

Celeste McCain-Stober, 275 Pleasant Street- opined that the poles were being put up on Pleasant Street because it is more cost effective for the developer and the utility company. This should not be the concern of the Planning Board. She also felt if one of the poles was erected near the solar entrance, it would be well hidden in the tall trees.

Paula Bertram, 312 Townsend Harbor Road- Concerned with the earth removal at the proposed Elmwood Road subdivision. She recommends that the Board confer with the Building/Zoning Official for safeguards prior to endorsement of the Approval. She also noted that utility pole location must come to the Board of Selectmen for approval. Opined that the population growth needs to be looked at in the updating of the Master Plan. The Comprehensive Wastewater Management Plan- a full build out for all proposed areas of sewer need were looked at and those population projections already exist in the CWMP. That data could be incorporated into the Master Plan.

Sharon Jordan, 77 Burrage Street- As a member of both the Conservation Commission and the Open Space and Recreation Committee, thanked the Board for its recommendation to acquire the Lane property on Holman Street. Also wanted to remind the public of the two site visits scheduled for April 19<sup>th</sup> and 26<sup>th</sup>, 10:00 AM.

**BOARD COMMENT:** N. Lockwood brought up the issue of speed/traffic at 305 Leominster Shirley Road. Board requesting Police Chief J. Marino come to the April 28<sup>th</sup> Board meeting for discussion of same.

Motion N. Lockwood to adjourn, Second, D. McQuaid, Adjourned 8:30 PM.

Documents used at meeting:

Minutes 3-24-14  
Minutes 3-24-14 Public Hearing  
Minutes 4-7-14 Workshop  
115 Fairview Road ANR  
317 Sunny Hill Road ANR  
Highfield Village Request for Extension  
50 Elmwood Road Request for Extension  
Chase Road Solar Update  
Pleasant Street Solar Update  
Draft RMD Bylaw  
David Ross Associates review 4-2-14, Pleasant Street solar  
Building/Zoning Official letter 4-14-14, Pleasant Street solar