

TOWN OF LUNENBURG
Office of the Planning Board

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Matthew Allison, Vice Chair
Kenneth Chenis, Clerk
David Prokowiew, Mbr.
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Minutes
April 9, 2018

RECEIVED & FILED

APR 25 2018

LUNENBURG TOWN
CLERK OFFICE

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

Present: Gregory Bittner, Matthew Allison, Kenneth Chenis, Michael-Ray Jeffreys, Adam R. Burney
Absent: David Prokowiew

ANR Plans:

83 Boucher Road, 99 Boucher Road, & Lot 10 Country Road- Plan presented by Brian Herrick. A waiver was requested from the topographic plan. **K. Chenis made a motion to approve the waiver, seconded by M. Allison, all aye.** This is a minor land swap between the three parcels. The division will provide land on Lot 10 for a septic system. It was noted that Lot 10 has a frontage of only thirty (30') feet, but the ANR Plan will not make the lot less conforming. B. Herrick stated that he had been previously informed this is a buildable lot. Board questioned whether or not the lot was buildable, but that has no bearing on the Board's approving the ANR Plan. Plan endorsed by Board.

508 N. W. Townsend Road & 994 Northfield Road Rear- Neil Gorman, David E. Ross Associates represented owners/applicants John and David Saliba. In 2007 Lots 1 and 2 were created from the remaining land of the Saliba's. Lot 2 does not have the adequate coverage to meet the reduced frontage lot area requirement; therefore, Parcel C is being added from the remaining land of the Saliba's to Lot 2 to make it compliant with the minimum square footage required by zoning. Plan endorsed by Board.

APPOINTMENT: The Village at Flat Hill, Drainage Review- M. Allison recused himself from agenda item. A. Burney gave a brief overview of the issue. Cross-culverts on Flat Hill Road run from west (Town side) to east (Shirley side) and were installed more than a decade ago to handle drainage on the west side of the road that was flooding the road. The water was being pushed into a swale on the east side of the road. A. Burney believes these culverts were installed after the construction of The Village at Flat Hill. Over the past 7-8 years, the water being pushed into the swale on the east side has increased and is having a negative effect, especially in the winter months with freezing. He also believes the water is creeping into some properties on the east side of Flat Hill Road. There is a detention basin at each end of Cortland Circle; is there a possibility that the detention basins are contributing to the water in the right-of-way? Both have spillways directed to the east shoulder of Flat Hill Road. The approved plans call for a six (6") inch orifice in both outlet control structures. A. Burney went on site to view and noted that both outlet control structures had been modified. In conversation with the DPW Director, it is believed that these modifications were made around 2010.

Board discussion ensued. K. Chenis inquired if the Planning Board could enforce maintenance. A. Burney noted that would be through the Zoning Enforcement Officer. K. Chenis went on to ask if the maintenance is performed and the basins restored to their basic construction, would they then meet the water runoff requirements established at the time the permit was issued; if not, what authority does the Planning Board have for remediation? A. Burney wants to confer with Town Counsel as to any actions permissible by the Planning Board.

G. Bittner noted that the current drainage system appears to be modified from the as-built. A. Burney concurred. He noted that it could be reversed, but he is not sure that would resolve the problem. A. Burney feels that initially maintenance of the drainage system should be looked and then investigation of the instances of water. A. Burney will review the Board's Decision for The Village at Flat Hill.

Susan Whalen, 337 Flat Hill Road- relayed her history of the issue to the Board. She noticed an abundance of water coming down Flat Hill Road around 2002. At that time she met with the DPW Director, Planning Director and M. Allison. Over the ensuing years she has been asking the DPW Director what can be done. In 2010 she called the Planning Director to inquire about a maintenance plan for the retention ponds. She states the Planning Director told her no maintenance plan was required; the association maintained the retention ponds. She was told to address her concerns to the DPW. In August 2017, she received a letter from the DPW Director that stated the water was coming from an undeveloped lot behind 268 Flat Hill Road. She disagrees.

A. Burney will go through the files to see if there is an O&M Plan.

Carl Luck, 50 Sunset Lane- noted that the property at 49 Cortland Circle has two surface catch grates on the lawn that are tied into the line that goes across the street to the retention area.

Matthew Allison, 305 and 188 Flat Hill Road- (speaking as a private citizen) remarked that the culverts under Flat Hill Road have been there since the 1960's, and no new ones have been installed. He stated there are two additional cross-culverts that impact 305 Flat Hill Road. He noted a 2002 on-site meeting with the DPW Director, Planning Director, Mr. Whalen, and an engineer (either Marsden Engineering or Whitman & Bingham Associates). He asserted that all individuals at the meeting agreed there was an issue. He stated the as-built was submitted in 2006. He would like to know the date of sign off by the Board.

PUBLIC HEARINGS:

654 & 658 Massachusetts Avenue (cont'd)- see separate minutes

K. Chenis made a motion to accept all waivers except for the three retracted ones, i.e., Traffic Impact Report, Environmental Impact Report and Community Impact Report, seconded by M. Jeffreys, all aye.

K. Chenis made a motion to approve the plan with the conditions that all outstanding comments of the reviewing engineer are addressed in the final plans to the satisfaction of the reviewing engineer, that the Board can conduct periodic reviews, that the driveway be paved eighteen (18') feet wide for twenty-five (25') feet back from Massachusetts Avenue with no parking in this section, to build to the approved plans, abide by all other boards' and commissions' approvals, construction hours of 8:00 AM to 4:30 PM, Monday through Saturday, no Sundays or holidays. Seconded by M. Allison, all aye.

Planning Board Warrant Articles (cont'd)- see separate minutes

M. Allison made a motion to approve **Article 1, Use Table and Definitions for Section 4.1. through 4.7.,** **K. Chenis** requested motion be amended to include all changes discussed at this meeting, **M. Allison** so amended, seconded by **K. Chenis**, all aye.

K. Chenis made a motion to approve the **Overlay Districts** with all the changes discussed this evening, seconded by **M. Allison**, all aye.

David Rodgers, 82 Highland Street- noted his property abuts ~25 acres of farming land. Would this Bylaw allow the growing of marijuana at that building if the building is located 500 feet from the property line? The Board responded that under the existing Bylaw, it is a by-right use. The changes discussed in tonight's Hearing will change it to a special permit.

K. Chenis made a motion to approve the solar and registered marijuana dispensaries with the adjustments discussed this evening, seconded by **M. Jeffreys**, all aye.

M. Allison made a motion to make changes to **Section 8.3.** to adjust the special permit timeframe by instituting **Section 9. of M.G.L. 40A**, thereby following statutory timeframes, seconded by **M. Jeffreys**, all aye.

K. Chenis made a motion to delete the **Retail Commercial District** by turning it into **Commercial**, delete the **Route 2A Overlay District**, and to change **Aquifer Boundaries** to **Water Supply Protection District**, seconded by **M. Jeffreys**, all aye.

MINUTES APPROVAL: minutes approved

03/26/18- in process

03/26/18 Executive Session

03/26/18 Public Hearing, 9 Chase Road

03/26/18 Public Hearing, 654 & 658 Massachusetts Avenue

03/26/18 Public Hearing, Board Warrant Articles- in process

COMMITTEE REPORTS:

Capital Planning Committee- no meeting

Storm Water Task Force- no meeting

Agricultural Commission- no meeting

MJTC- no meeting

MRPC- no meeting

Open Space Ad Hoc Committee- no report

Charter Review Committee- Public Hearing held. Work will continue on the Charter with hopes of going before a fall town meeting.

Green Community Task Force- no report

DIRECTOR'S ITEMS: **A. Burney** reminded the Board of the joint meeting with the Board of Selectmen and Agricultural Commission on April 10th. He also noted **Tri Town Landing** has submitted an application for a modification to the building layout, but at this time the application is incomplete.

Section 250- 4.15. Solar Energy Systems-

Recreational Marijuana Regulations-

MEETING SCHEDULE:

April 10-
April 23-
May 5- Town Meeting
May 14

ONGOING ITEMS:

§250- 6.5. Sign Bylaw-
Economic Development-

BOARD COMMENT/CONCERNS: M. Jeffreys noted he was appointed to the Charter Review Committee. Following May Town Election he will no longer be a member of the Planning Board, but will continue to serve as the appointee if the Board desires. A. Burney noted it is a Planning Board appointee; it does not have to be a member of the Planning Board.

ADJOURNMENT: 9:45 PM.

Documents used at meeting:

ANR Plan- 83 Boucher Road, 99 Boucher Road, & Lot 10 Country Road
ANR Plan- 508 N. W. Townsend Road & 994 Northfield Road Rear

Minutes-

3/26/18 Executive Session
03/26/18 Public Hearing, 9 Chase Road
03/26/18 Public Hearing, 654 & 658 Massachusetts Avenue
Information Packet, Village at Flat Hill

Minutes/2018/04.09.18