

TOWN OF LUNENBURG
Office of the Planning Board

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Kenneth Chenis, Clerk
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Adam R. Burney
Land Use Director

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Minutes
May 13, 2019

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

Present: Matthew Allison, Kenneth Chenis, Paula Bertram, Adam R. Burney
Also Present: Town Counsel Adam Costa
Absent: Tanner Cole

PUBLIC COMMENT: Board members thanked K. Chenis for his years serving as a Board member.

APPOINTMENT: Waiver Request- Lunenburg Veterinary Hospital, 109 Massachusetts Avenue- Surgery and dentistry operations are being moved to 111 Massachusetts Avenue, with the remaining operations continuing at 109 Massachusetts Avenue. Dr. Carl Flinkstrom requested the Board approve a waiver for site plan approval as the only exterior change will be improving the walkway between the two buildings. Five additional parking spaces were obtained with the purchase of 111 Massachusetts Avenue. Staff will be able to park at 111 Massachusetts Avenue and clients can continue to park at 109 Massachusetts Avenue. There will be no increase to number of employees or any change in hours of operation. A Special Permit issued by the Zoning Board of Appeals in March 2019 noted that Dr. Flinkstrom was interested in possible weekend hours in the future to provide emergency services. **P. Bertram made Motion to approve the request for waiver from site plan approval with the stipulation that there is no change to either the number of employees nor the hours of operation, K. Chenis Seconded, all aye.**

PUBLIC HEARINGS (continued):

Powell Stone & Gravel, 151-181 Leominster Shirley Road- see separate minutes. **K. Chenis made Motion to approve Modification to Site Plan Approval, P. Bertram Seconded, all aye.**

Aro Estates, Howard Street- see separate minutes. Board discussion ensued regarding the placing of conditions on the project. Some proposed conditions are a 10 foot visual vegetated buffer for 440 and 442 Howard Street and the stormwater system be maintained in accordance with the plans. Attorney Costa noted mitigation issues raised from prior peer review have been addressed. The 40 foot wide access will be deeded in fee to the Town. If the Town chooses not to accept it, it shall be reserved in perpetuity for non-development. As the access is for conservation purposes, it can always be accepted by the Conservation Commission without a town meeting vote. Attorney Costa relayed the five items below contained within the Settlement Agreement that were proposed as part of the approval.

A minimum of 20% of the market rate homes shall be restricted to occupancy by a person age 55 and older and shall further restrict anyone less than 19 years of age from being a permanent resident. The restriction shall not prohibit visitors for up to 12 weeks per year, e.g., grandchildren visiting over holidays/school vacations. Construction of the age restricted units shall commence within the first 50% of homes to be constructed and be completed within the first 75% of all homes being constructed.

A road within the subdivision shall be extended to provide access to the Town forest land. The road shall be constructed concurrently with the subdivision roadway and not at a later date.

Some of Aro Estates 8 became part of Aro Estates 9, which will be conveyed to the Town.

Construction shall be phased over a period of time to avoid over-burdening the Town.

No occupancy permit shall be issued until infrastructure is installed to serve each subdivision or financial security provided to ensure completion.

P. Bertram wanted to discuss the phasing plan. Attorney Costa noted that the Board could discuss phasing as part of its Decision or it could be discussed during a staff pre-construction meeting. There was discussion of when the land conveyance to the Town should take place with Attorney Costa recommending during issuance of the first building permit. Regarding the 40 foot access strip, A. Burney recommended waiting until the strip is constructed. This would preclude having to grant the applicant access to work on Town property. He went on to recommend tying it to the infrastructure of Aro Estates 8.

P. Bertram wanted to ensure all cisterns would meet the requirements of the Fire Department, subsurface sewage disposal systems and water supplies to all houses meet all state and local regulations, and that the project complies with the Order of Conditions issued by the Conservation Commission. She also wanted to make sure all improvements from the traffic reports were incorporated into the development.

The applicant's phasing expectation is that it would be discussed during a staff pre-construction meeting. He would like to be able to build out units as the market dictates.

Both Counsels were in agreement that, provided the 20 foot gravel drive has been constructed, the 40 foot access strip to Town forest would be conveyed to the Town at the issuance of the first building permit for Aro Estates 8. Larger parcels to the rear would be conveyed no later than issuance of the first building permit for one of the subdivisions.

Attorney Borenstein requested that Attorney Costa share the draft Decision, once prepared, prior to the Board's June 10th meeting. He also asked if it was reasonable to ask for a vote from the Board members this evening on the Conditions that will be prepared for the next Board meeting. Attorney Costa advised the Board against such, as Board members present this evening are not the members that will ultimately be voting on the approval.

MINUTES APPROVAL:

04/08/19- K. Chenis made Motion to approve, P. Bertram Seconded, all aye.

All minutes below tabled due to lack of quorum.

04/22/19-

04/22/19, Zoning Articles-

04/22/19, Zoning Article – Non-Medical Marijuana-

04/29/19

04/29/19, Aro Estates, Howard Street-

04/29/19, Citizen Petition Zoning Article-

COMMITTEE REPORTS:

Capital Planning Committee- no report

Storm Water Task Force- no report

Agricultural Commission- no report

MJTC- no report

MRPC- no report

Charter Review Committee- K. Chenis made Motion to remove from future agendas, P. Bertram Seconded, all aye.

Green Community Task Force- no report

Open Space Ad Hoc Committee- no report

Land Acquisition Committee- Verbal agreement has been met with the land owner. Committee will now meet with the Board of Selectmen and Park Commission.

DIRECTOR'S ITEMS:

Annual Town Meeting, Follow-Up- The Board was updated on Town Meeting votes for the zoning articles. Article 25 for the marijuana regulatory bylaw passed, marijuana prohibition Articles 26 through 31 did not pass, Cluster Development Article 33 passed, Leominster-Shirley Road rezoning Article 38 passed, Exhibition and Workshop Article 40 was withdrawn by the petitioner, and Solar Energy Systems Article 42 did not pass.

Economic Development Committee- On hold awaiting election of new Board members

Earth Removal Permitting- On hold awaiting election of new Board members

P. Bertram made Motion to place an item on the agenda to discuss the RFP related to the Master Plan at a future meeting, K. Chenis Seconded, all aye.

A. Burney asked Board members what was the best day/time of the week for a walk with UNITIL to view trees targeted for trimming or removal. Six o'clock in the evening appeared to work best for current Board members.

MEETING SCHEDULE:

June 10-

June 24-

ONGOING ITEMS:

Below items will be addressed once full Board is seated.

Lunenburg Code, Section 250- 4.15., Solar Energy Systems

Lunenburg Code, Section 250- 6.1., Off Street Parking & Loading Areas-

MGL, Ch. 41, Section 81D, Master Plan-

ADJOURNMENT: P. Bertram made Motion to adjourn, K. Chenis, Seconded, all aye. Adjourned 8:54 PM

Documents used at meeting:

Minutes 04/08/19

Waiver Request, 109 Massachusetts Avenue