

TOWN OF LUNENBURG
Office of the Planning Board

Matthew Allison, Chair
Tanner Cole, Vice Chair
Gregory Bittner, Clerk
Paula Bertram, Member
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Adam R. Burney
Land Use Director

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Minutes
June 10, 2019

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

Present: Matthew Allison, Tanner Cole, Paula Bertram, Gregory Bittner, Rhonda Lisio, Adam R. Burney
Also Present: Town Counsel Adam Costa

BOARD REORGANIZATION:

Chair- G. Bittner made Motion for M. Allison, Seconded by R. Lisio, all aye.

Vice Chair- G. Bittner made Motion for T. Cole, Seconded by P. Bertram, all aye.

Clerk- R. Lisio made Motion for G. Bittner, Seconded by P. Bertram, all aye.

Remaining agenda items taken out of order.

PUBLIC COMMENT: Dr. Kate Burnham, Superintendent of Schools. Expressed school department's interest in Aro Estates development as any new development in Town has an impact on the schools.

ANR PLANS:

780 Northfield Road & 401 Chase Road- Property owner Dan Pierce presented ANR Plan. Plan is to transfer Parcel G of 4,722 Sq. Ft. ± from 780 Northfield Road to 401 Chase Road. This will give the owner of 401 Chase Road the required setback to locate a ground mounted solar. **T. Cole made Motion to approve the ANR Plan, P. Bertram Seconded, all aye.**

915 Northfield Road- Property owner John Harrison presented ANR Plan. ANR Plan also included a common driveway plan for Lots 1 and 2. The current driveway to 915 Northfield Road does not split the lot line. To avoid constructing a second driveway J. Harrison is looking for relief from the Board to utilize the existing driveway for Lots 1 and 2. **G. Bittner made Motion to approve the ANR Plan, R. Lisio Seconded, all aye. R. Lisio made Motion to approve the alternate driveway location, G. Bittner Seconded, all aye.**

68 Elm Street- Property owner Harbor Classic Homes represented by Brian Marchetti, McCarty Engineering. Property being divided into four ANR lots. Structure located on property has to be maintained due to historical significance, which affected lot lines. Lots are within the Sewer Service Area (SSA). The existing house is on septic, but has a sewer stub. **P. Bertram made Motion to approve the ANR Plan, R. Lisio Seconded, all aye.**

APPOINTMENTS:

Lanni Orchards, Chase Road- Jerry Lanni, Lanni Orchards noted that the property owners are in the process of selling the property's building rights to the state for Agricultural Preservation Restriction (APR). Lanni Orchards will be moving forward in a retail direction, e.g. farmers' markets, CSAs. The lack of public water and sewer holds them back from being competitive with other farms in the Commonwealth. J. Lanni is of the opinion that having public utilities would be a good investment for the Town as revenue is generated by travel and tourism. M. Allison asked A. Burney if a public water data layer could be incorporated into

the GIS maps. M. Allison is in favor of expanding the infrastructure in Town. P. Bertram noted that when she was on the Sewer Commission there was discussion of expanding sewer onto Chase Road, but there could be unintended consequences created by additional development/growth with the availability of sewer. **P. Bertram made Motion to schedule a workshop to discuss infrastructure and potential development, T. Cole Seconded, all aye.**

UNITIL- UNITIL was represented by Municipal & Community Services Manager John DiNapoli; Arborists Sara Sankowich and Dave Clapham. This is a follow-up to the Storm Resiliency Program as a result of the walk earlier this evening with UNITIL and Board members in the vicinity of the Town gazebo. If the Board chooses not to move forward with the Program, UNITIL requested that the Board provide a statement noting such, which UNITIL can provide to Department of Public Utilities. If the Board gives approval, UNITIL can begin counting and marking the trees for either pruning or removal. UNITIL would have to obtain consent from affected homeowners. UNITIL anticipates it would return to the Board towards the end of July with a list of trees that needed to be removed. UNITIL estimates, per mile, 60-100 trees would be affected. Some of the Board members requested a consultant be hired at UNITILS's expense. UNITIL responded they have consultants on staff. Replacement trees, along with planting instructions, are offered in the areas where a large number of trees would be removed. A scenic road public hearing must be held with the Planning Board and Lunenburg Tree Warden before removal of any trees. The Board would like more detail on which trees would be removed. The Board would then decide whether or not to proceed with a hearing for a small section. A possible hearing was discussed for July 22nd.

Settlers Solar, 994 Northfield Road, De-Minimus Change- The applicant was represented by Ethan Gyles, NEXAMP. As a result of discussions between the Town's consultant Tom Christopher and an arborist, it has been determined that a portion of the screening, i.e., transplanting young trees, originally approved on the southern side of the project may not have good survival rates. An alternative solution is being proposed in NEXAMP letter dated May 31, 2019. The alternative is to, 1) preserve any trees of general size 4" caliper that are within a 20-30 foot radius of the originally approved design, 2) plant a new tree of general size 4" caliper where existing trees do not exist, and 3) guarantee new and preserved trees for 36 months after the project is operational. **P. Bertram made Motion to approve the De-Minimus change for Settler Solar at 994 Northfield Road, G. Bittner Seconded.** Discussion: G. Bittner requested P. Bertram amend her Motion to include language on tree spacing, P. Bertram responded there is no language for spacing; it's based on where the trees need to go. T. Cole questioned if there was a way to increase the buffer, and still stay within the approval. He also wanted to ensure that any tree being transplanted from the site be in good condition. E. Gyles noted that the 36 month guarantee previously applied only to nursery stock trees and did not include transplanted trees; the Board disagreed, opining that Conditions #14 and #15 of the Decision covered all trees. Town Counsel was in agreement with the Board. **P. Bertram amended her Motion to approve the De-Minimus change as presented subject to Tom Christopher's review and approval of tree substitution or replacement with nursery stock, utilizing his discretion, and also requiring a distance of no more than thirty feet between trees, G. Bittner Seconded, Roll Call Vote- R. Lisio, abstained; P. Bertram, aye; G. Bittner, aye; T. Cole, aye; M. Allison, aye. Vote passed 4-0.**

ARO ESTATES: Town Counsel A. Costa presented a draft Decision to the Board. Opposing counsel was also in receipt of the Decision. The Hearing opened April 29, 2019, was continued to and closed on May 13, 2019, with deliberations being held this evening. A. Costa covered Conditions #1 - #28 and modifications were made based on input from the Planning Board. Condition #8 was revised as it pertains to road and utilities acceptance by the Town, and if that does not occur, infrastructure responsibility remaining with the Applicant. Changes were made to the construction hours in Condition #11. Condition #27 provides that the buffer for 440 and 442 Howard Street be preserved or created prior to issuance of any building permit within Aro Estates 2.

10:29 PM- G. Bittner made Motion to extend the Board meeting past 10:30 PM, R. Lisio Seconded, all aye.

Condition #24 was modified to provide specificity to construction phasing, capping at 25 the number of building permits that could be issued within a 365-day period.

P. Bertram made Motion to approve the Decision for Aro Estates as amended this evening, T. Cole Seconded, Roll Call Vote- P. Bertram, aye; T. Cole, aye; M. Alison, aye. Vote passed 3-0.

BOARD REORGANIZATION (cont'd):

MRPC Representative- no nomination.

MJTC Representative- G. Bittner made Motion for R. Lisio, Seconded by P. Bertram, all aye.

Capital Planning Committee Representative- This is a three year term. M. Allison retains the position for his third year.

Green Community Task Force Liaison- P. Bertram made Motion for G. Bittner, Seconded by T. Cole, all aye.

Stormwater Task Force- G. Bittner made Motion for M. Allison, Seconded by P. Bertram, all aye.

Agricultural Commission Liaison- G. Bittner made Motion for M. Allison Seconded by P. Bertram, all aye.

Open Space Committee Representative- R. Lisio made Motion for G. Bittner, Seconded by T. Cole. Discussion ensued.

P. Bertram expressed her dismay at the possibility of not continuing on the Open Space Committee, and by proxy, the Land Acquisition Committee as the meetings are now are at a critical stage. **Roll call vote-** R. Lisio, aye; G. Bittner, aye; T. Cole, aye; M. Allison, aye. (P. Bertram had departed the Board meeting.)

Land Acquisition Committee- G. Bittner by proxy of being nominated to the Open Space Committee.

T. Cole made Motion to table remaining agenda items, G. Bittner Seconded, all aye.

MINUTES APPROVAL:

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-

05/13/19-

05/13/19, Aro Estates, Howard Street-

05/13/19, PS&G, 151-181 Leominster Shirley Road-

COMMITTEE REPORTS:

Capital Planning Committee-

Storm Water Task Force-

Agricultural Commission-

MJTC-

MRPC-

Green Community Task Force-

Open Space Ad Hoc Committee-

Land Acquisition Committee-

DIRECTOR'S ITEMS:

Town Meeting, Update-

Stone Farm Adult Community, Construction Bond-

Economic Development-

Earth Removal Permitting-

MEETING SCHEDULE:

June 24-

July 8-

July 22-

ONGOING ITEMS:

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: 10:53 PM

Documents used at meeting:

ANR Plans-

- 780 Northfield Road & 411 Chase Road
- 915 Northfield Road
- 68 Elm Street

Request for De-Minimus Change, Settlers Solar, 994 Northfield Road
Board Decision, Aro Estates, Howard Street
Storm Key Map, UNITIL