

TOWN OF LUNENBURG

Office of the Planning Board

Matthew Allison, Chair
David Prokowiew, Vice Chair
Kenneth Chenis, Clerk
Tanner Cole, Member
Paula Bertram, Member



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Adam R. Burney
Land Use Director

Marjorie J. Boggio
Administrative Assistant

Minutes
January 14, 2019

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

Present: Matthew Allison, David Prokowiew (arrived 6:50 PM), Kenneth Chenis, Tanner Cole, Paula Bertram, Adam R. Burney

WAIVER REQUESTS:

119 Massachusetts Avenue- Application received for awning sign to be attached to the building at 119 Massachusetts Avenue. As the sign is >36 sq. ft., site plan approval is required. The Applicant is requesting waiver from the site plan approval process. P. Bertram recused herself due to a professional relationship. **K. Chenis made Motion to accept the requested sign waiver as documented, T. Cole Seconded, all aye.**

554 Lancaster Avenue- Applicant Dick's Market Garden represented by Stephen Violette. Applicant seeking waiver from site plan approval for barn construction for washing/prepping vegetables for storage, which is currently being done outdoors. John Maura informed the Board that barn construction will be partially state-funded through a grant from the Agricultural Preservation and Restriction Improvement Program (AIP). The proposed barn will be 40 feet x 80 feet, off the road, and will be used for rinsing and cooling of vegetables and bringing vegetables that are in the open into a building. Board members were provided with a packet showing proposed barn location. The site already has Town water. The Applicants are trying to become more regimented due to upcoming new food safety regulations. The Applicants' process of vegetable washing and prepping has been ongoing for ~12 years, so the Applicants do not expect any increase in traffic or parking. **T. Cole made Motion to approve requested waiver for Dick's Market Garden, K. Chenis, Seconded, all aye.**

PUBLIC HEARING: 190 Electric Avenue- see separate minutes

RECREATIONAL MARIJUANA- A. Burney presented a first draft of a zoning bylaw for non-medical marijuana. The Use Table did not include Craft Cultivator as the Board is still awaiting response from the Cannabis Control Commission (CCC). A. Burney's understanding of Craft Cultivator was that the Board wanted Town residents to be able to participate in the industry on a small scale appropriate to their individual location. D. Prokowiew noted that he intends to attend the next Agricultural Commission meeting for any suggestion. There was lengthy discussion about Craft Cultivator and licensing. It is still not clear to the Board if each individual under a coop needs to be licensed or just one license for the coop. P. Bertram felt it was important to identify on a map churches, schools, daycare and recreational facilities that would be within 500 feet of a facility. This will give a better idea of where licensing would be prohibited in Lunenburg. T. Cole questioned if the Board had the ability to do any enforcing as it is not the

licensing authority. P. Bertram disagreed with cultivation as only an accessory use as large land parcels in the Outlying District may not have a structure on site where cultivation would qualify as an accessory use. There was discussion as whether or not to allow Testing Facilities in Commercial District. It was noted there can be random homes in the Commercial District and a resident could be adversely affected by a Testing Facility next door.

K. Adams, Williams Drive- Opined that transporter, testing and research are still on-site drugs, and does not want to live next door to that type of use.

Board agreed that more information is needed from the CCC. D. Prokowiew suggested a workshop/meeting be scheduled outside of a regular Board meeting to work on this Bylaw. Board consensus was to schedule a workshop for January 22nd, 6:30 PM, Ritter Memorial Building. A. Burney will inquire to see if someone from the CCC would be able to attend.

MINUTES APPROVAL:

12/10/18- D. Prokowiew made Motion to accept, K. Chenis Seconded, all aye.

12/10/18, 151-181 Leominster Shirley Road- K. Chenis made Motion to accept, D. Prokowiew Seconded, Vote Passed 4-0, T. Cole abstained.

12/10/18, Executive Session- D. Prokowiew made Motion to accept, K. Chenis Seconded, all aye.

12/11/18- D. Prokowiew made Motion to accept, T. Cole Seconded, Vote Passed 3-0, P. Bertram and K. Chenis abstained.

01/03/19- K. Chenis made Motion to accept, D. Prokowiew Seconded, all aye.

01/03/19, Executive Session- D. Prokowiew made Motion to accept, K. Chenis Seconded, all aye.

01/08/19- minutes not completed

COMMITTEE REPORTS:

Capital Planning Committee- Meeting January 15th.

Storm Water Task Force- Met last Thursday. Received a proposal for continuing services.

Open Space Ad Hoc Committee- Made presentation to the Board of Selectmen regarding Chapter Land.

MJTC- no report

MRPC- no report

Charter Review Committee- Hearing held last Wednesday. The Charter currently provides fifteen days for Planning Board ratification of the Land Use Director. One of the proposed charter changes is for counting "calendar days"; which would include weekends. The Board wants to discuss this at its next meeting.

Green Community Task Force- no meeting

DIRECTOR'S ITEMS:

MGL, Ch. 41, Section 81D- A. Burney meeting with the Capital Planning Committee tomorrow to request \$100,000 to update and implement the Master Plan. A. Burney will put together a Master Plan application for District Local Technical Assistance through MRPC. There was discussion as to the accuracy of the population profile. This will be added for discussion purposes to the Board's January 22nd meeting.

Lunenburg Code, Section 250-5.6.- A. Burney asked if the Board wanted to place an article on the May town meeting warrant for Cluster Development. Board members to provide their requested Bylaw changes to A. Burney.

Earth Removal- tabled

Land Use Guidebook- tabled

§250- 4.15. Solar Energy Systems- no report

MEETING SCHEDULE:

January 28- K. Chenis will not be available.
February 11- Hearing continuations for Powell Stone & Gravel and Borrego Solar
February 25-

ONGOING ITEMS:

Earth Removal Permitting- tabled
Village at Flat Hill, Drainage Review & Enforcement- take off agenda
Economic Development- no report

PUBLIC COMMENT:

K. Adams, Williams Drive- Pushing for consistency in government and does not want marijuana given more opportunities than other uses.

EXECUTIVE SESSION: M. Allison requested a Motion Pursuant to M.G.L. c. 30A, §21, #3, to discuss strategy with respect to litigation, where an open meeting may have a detrimental effect on the government's litigating position, and the Chair so declares, namely O'Brien Homes Inc. et al v. Town of Lunenburg et al., Land Court Docket Nos. 13-MISC-477878 to 13-MISC-477887 and O'Brien Homes, Inc. v. Town of Lunenburg Planning Board, et al., Appeals Court Docket No. 2018-P-1520 not to return to Regular Session. D. Prokowiew made Motion, K. Chenis Seconded, Roll Call Vote- P. Bertram, aye; T. Cole, aye; K. Chenis, aye; D. Prokowiew, aye; M. Allison, aye.

ADJOURNMENT: Regular Session- 9:17 PM

Documents used at meeting:

Minutes

- 12/10/18
- 12/10/18, 151-181 Leominster Shirley Road
- 12/10/18, Executive Session
- 12/11/18
- 01/03/19
- 01/03/19, Executive Session

Request for Waiver, 119 Massachusetts Avenue
Request for Waiver, 554 Lancaster Avenue
Draft Bylaw, Recreational Marijuana