

**TOWN OF LUNENBURG**  
**Office of the Planning Board**

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



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Minutes  
October 22, 2018

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

Present: Matthew Allison, Kenneth Chenis, David Prokowiew, Tanner Cole, Adam R. Burney  
Also Present: Adam Costa, Town Counsel

**ANR PLAN: 171 Gilchrest Street-** Applicant Kevin Hill was represented by Jamie Rheault, Whitman & Bingham Associates. This ANR Plan was previously presented at the August 27, 2018 Board meeting. At that time it was determined that all the procedural prerequisites had not been completed; a purchase and sales agreement required signatures. That P&S has now been signed allowing the Applicant to move forward with the ANR submittal. Once the Plan is endorsed by the Board, a land swap will take place between the Applicant and Lunenburg. Parcel A of 2.33 acres will be deeded to Lunenburg. The Applicant had previously appeared before the Zoning Board for a dimensional variation for a parcel to be deeded directly to the Town. That was denied by the Zoning Board of Appeals. Parcel A contains the same amount of area as the parcel that was denied. A conservation restriction will be placed on the remaining land. No structures will be allowed on the portions of land in the conservation restriction. The Town is deeding a 20 foot wide access easement to the Applicant. The Planning Office will retain the ANR Plan until closing. **K. Chenis made Motion to endorse the ANR Plan, D. Prokowiew Seconded, all aye.**

**31 School Street, Request for Waiver-** The Zoning Board of Appeals granted a special permit for a single family house. This triggers site plan approval through the Planning Board. Robert Doolittle, on behalf of his in-laws, Donald and Carroll Routh, requested a waiver from site plan approval under Section 250- 8.4. of the Code of the Town of Lunenburg, MA. **K. Chenis made Motion to approve the request for waiver of site plan approval for 31 School Street, D. Prokowiew Seconded, all aye.**

**RECREATION MARIJUANA REGULATIONS: Cultivation-** A. Burney provided an update of the on-going process of how to regulate non-medical marijuana. The Board is looking at how to shape, manage and regulate any marijuana business that comes to Lunenburg. In Lunenburg all medical cultivation will be required to be indoors.

Jim Laveck, 33 Lancaster Avenue- Does Chapter 40A note distinction between medical and non-medical marijuana? No – marijuana does not qualify as an agricultural product or for protection under Chapter 40A, Section 3., Exemptions from Zoning Regulations.

Kim Cole, 563 Massachusetts Avenue- Requested the Board, in the crafted bylaw, emphasize waste disposal of outdated/damaged product, energy and water use to facilities, and no pesticides.

The Board needs to think about where and how they want to allow cultivation; both outdoors and indoors, just one or the other? K. Chenis wants indoors only; outdoors would be too difficult to regulate. He also doesn't want to tie it to agriculture.

Both D. Prokowiew and K. Chenis feel it should be located in industrial areas, not residential or farmland. A. Burney noted one of the issues with industrial is that some of the Town's industrial area has neither Town sewer nor water. M. Allison noted that preferred locations noted by the survey respondents, in order of importance, were firstly office park/industrial, commercial and lastly outlying. T. Cole inquired if indoor, and industrially located, would there still be concern with lot sizes. A. Burney – probably not, but still be concerned with setbacks from residential properties. T. Cole went on to ask if there are any parcels in the Industrial District large enough to meet a 500 foot setback. D. Prokowiew voiced concern with volatiles. A. Burney responded that would undoubtedly come under the jurisdiction of the Fire Department and possibly Board of Health.

Chrztine Foltz, 284 Lancaster Avenue- Feels the Board should take into consideration that some residents have large parcels and they might want to put a portion into agriculture for a small commercial production.

A licensee may have three licenses, but the total canopy of the licenses added together may not exceed 100,000 square feet. Tier 1 is up to 5,000 square feet. K. Chenis inquired if the Board can regulate below 5,000 square feet. Town Counsel A. Costa stated that the Tiers exist for licensing purposes under the State regulations. The Board can place restrictions on the size of a facility.

Katey Adams, Williams Drive- Marijuana should not get any special considerations, e.g., allowing smaller facilities in random locations.

T. Cole- Focus on locating in industrial areas. He is opposed to small cultivation.

**994 NORTHFIELD ROAD, SETTLERS SOLAR:  
Board Deliberations and Vote-  
Plan Endorsement if Approved-**

K. Chenis noted that in light of the new information received regarding the resignation of G. Bittner, Board Chair, amendments would have to be made to the Board's Decision to delete G. Bittner as a signatory.

A. Burney requested that the Decision be amended to include the requirement for an in-house pre-construction meeting between the Applicant, property owner, and various Town departments.

**K. Chenis made a Motion to grant the special permit with conditions noted in the draft Decision with amendments to add Condition #20 requiring a pre-construction meeting with the Land Use Director, DPW, Fire Chief and Police Chief to review and agree on construction details, and to modify the Decision to remove G. Bittner as signatory.**

Attorney Rob Bowen, representing the Applicant, noted a point of order. Board members noted that the Hearing was closed. Town Counsel A. Costa suggested to the Board that as this was a remand, the point of order be allowed, especially if it involved clarification of the Decision. Attorney Bowen was seeking clarification of the Motion inquiring if the Board intended to address the stormwater permit. A. Burney responded that there will be a separate Motion on that permit.

**The above Motion failed for lack of a Second.** The special permit requires a super majority vote and the site plan approval, a simple majority. As there are currently only four members, all four would need to support the approval.

**K. Chenis retracted his Motion.**

T. Cole wanted to continue deliberation, as abutters had previously voiced concern with aesthetics/lack of buffer. D. Prokowiew inquired if a condition could be put in place that would make the Decision acceptable to T. Cole. D. Prokowiew went on to note that the Board has the ability to change the buffer distance.

A. Costa informed the Board that they can reject, modify, add new, or accept the current Conditions. He went on to emphasize that the Applicant had previously expressed that the project would not be viable at less than 5.8 MW.

M. Allison inquired if the Board could Condition a third party appraisal to determine if the project is not viable at less than 5.8 MW. A. Costa responded that the Board does not have that discretion under Chapter 40A; the Board has to focus on the bylaw and not economic viability.

D. Prokowiew asked K. Chenis if he was willing to re-motion his previous Motion. **K. Chenis made a Motion to grant the special permit and site plan approval with conditions noted in the draft Decision with amendments to add Condition #20 requiring a pre-construction meeting with the Land Use Director, DPW, Fire Chief and Police Chief to review and agree on construction details, and to modify the Decision to remove G. Bittner as signatory; Seconded by D. Prokowiew.** A. Costa recommended the Board take the Motions separately as the special permit requires a unanimous vote and the site plan approval, a 3-1 vote. **K. Chenis amended his Motion to grant just the special permit, Seconded by D. Prokowiew, all aye. K. Chenis made a Motion to approve the site plan approval as documented, Seconded by D. Prokowiew, all aye.**

A stormwater special permit decision will be prepared based on this evening's discussion. K. Chenis noted that previous review by Graves Engineering Inc. stated that the stormwater calculations and documentation were compliant with the State requirements. He noted that he would not move to approve without significant conditions regarding control of runoff. A. Costa recommended that Board have a written decision in front of it before taking a vote. M. Allison inquired of the Applicant if there was any objection with waiting until the Board's next meeting of November 5. Attorney Bowen was agreeable as long as it not go past the November 5<sup>th</sup> meeting.

**PUBLIC HEARING: Board Warrant Articles-** see separate minutes. **K. Chenis made Motion to approve the five (5) article amendments as documented and to make minor changes on town meeting floor, Seconded by T. Cole, all aye.**

**MINUTES APPROVAL:**

**9/10/18, Executive Session- K. Chenis made Motion to approve, D. Prokowiew Seconded, all aye.**

**9/24/18- D. Prokowiew made Motion to approve, T. Cole seconded, K. Chenis abstained, all aye.**

**COMMITTEE REPORTS:**

**Green Community Task Force-** no report

**Capital Planning Committee-** Met October 16. Discussion of setting up spreadsheets and Google Drive access.

**Storm Water Task Force-** Meeting this week.

**Agricultural Commission-** Met October 18. Two prospective Commission applicants attended to gain Commission approval to be presented to the Board of Selectmen. Farmers' Market has relocated to the Dragonfly Café through the end of November/December.

**MJTC-** Met October 10. A new infrastructure program will become effective in November - Safe Route to School. The program encompasses a radius of two (2) miles within K – 8 schools and can include sidewalks, bike paths, etc. To apply, a school must participate in the Safe Route to School program. Next meeting will be held November 14. There was discussion of revising the evaluation criteria that goes into the TIP (Transportation Improvement Program).

**Open Space Ad Hoc Committee-** Meeting October 24. A charrette was held last week to provide an update to the public on progress made towards the Open Space and Recreation Plan.

**MRPC-** no meeting

**Charter Review Committee-** No update

**DIRECTOR'S ITEMS:**

**Open Space Ad Hoc Committee- At Large Member-** The current member composition of the Committee is three At Large, one Planning Board, two Conservation, and one Parks. The Conservation Commission has not expressed an interest in filling the second position and the Committee wishes to change that vacant position to another At Large. David Passios inquired as to the appointing authority for the Committee. A. Burney responded as this is an ad hoc committee under the Planning Board, the Planning Board is the appointing authority. **D. Prokowiew made Motion to change the membership to allow one more At Large representative and remove one Conservation representative, Seconded by K. Chenis, all aye.**

**Special Town Meeting- November 13, 2018-** Five Board articles will be on the warrant.

**§250- 4.15. Solar Energy Systems-** no update

**NOTICES & COMMUNICATIONS:**

**CPTC Fall 2018 Workshops-** Noted to Board members.

**MEETING SCHEDULE:**

November 5, 2018- Processing, and Testing Labs

November 13, 2018- Special Town Meeting

November 26, 2018- Craft Cultivator

**PUBLIC COMMENT:**

Katey Adams- Wants to make sure citizens understand the marijuana article.

**ONGOING ITEMS:**

**Earth Removal Permitting-** no update

**Village at Flat Hill, Drainage Review & Enforcement-** Some of the vegetation around the edges has been removed. A. Burney will follow up regarding documentation.

**Economic Development-** Town/Business Partnership meeting will be held October 25, 5:00 PM, Town Hall to review draft brochures.

**ADJOURNMENT: D. Prokowiew made a Motion to adjourn, K. Chenis, all aye. Adjourned 9:40 PM.**

Documents used at meeting:

Minutes-

9/10/18 Executive Session

9/24/18

ANR Plan, 171 Gilchrest Street

Board Decision, Settlers Solar, 994 Northfield Road, DRAFT