

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

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



Tel: (978) 582-4147, ext 5  
Fax: (978) 582-4353  
960 Massachusetts Avenue  
Lunenburg, MA 01462

Adam R. Burney  
Land Use Director

Marjorie J. Boggio  
Administrative Assistant

Minutes  
November 26, 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, Paula Bertram, Adam R. Burney

**BOARD REORGANIZATION:**

Chair- **K. Chenis made Motion to elect M. Allison as Board Chair, Seconded by D. Prokowiew, all aye.**  
Vice Chair- **K. Chenis made Motion to elect D. Prokowiew as Vice Chair, Seconded by P. Bertram, all aye.**  
Clerk- **D. Prokowiew made Motion to elect K. Chenis as Clerk, Seconded by P. Bertram, all aye.**

**ANR PLANS:**

**380 Electric Avenue-** Plan presented by Greg Roy, Ducharme & Dillis, on behalf of applicant/property owners Daniel and Jean Proctor. As a result of sewer concerns when the property owners were before the Board for the car wash project, the properties at that time were consolidated into one. They have now been approached by a developer desiring to use the portion of their land where the retail store is located for a doughnut shop and gas station. The owners have already been before the Zoning Board of Appeals for special permits. The ANR Plan subdivides the one lot into two. The current car wash and excavation business will be located on Lot 1, and Lot 2 will be for the new project. Lot 2 would probably be sold to the prospective developer. This new configuration complies with the sewer regulations. 380 (car wash) and 390 ("red" building) have one sewer line; this will remain on Lot 1. The retail store at 400 Electric Avenue connects through Dana Street. Board members noted that the pump station is approximately 18 feet from the proposed property line and would be located within the 20 foot setback. G. Roy was unsure as to whether the plan was showing the full pump station pad or just the structure itself. Endorsing the Plan would create a nonconformity. G. Roy to investigate.

**388 and 390 Goodrich-** Plan presented by Russell Wilson, R. Wilson and Associates, on behalf of the applicant/owners William Chisolm and Kim Tarky. The Plan changes the lot line separating the existing Lots 1 and 2 to form Lots 1A and 2A. Both lots are owned by the applicant. P. Bertram inquired of the ANR process prior to Board presentation. Plans are received in the Planning Office two weeks prior to the scheduled Board meeting. During those two weeks plans are distributed to various Town departments/offices for comment. The 21-day clock commences when the Plan is formally presented before the Board. **K. Chenis made Motion to endorse the ANR Plan, Seconded by D. Prokowiew, all aye.**

**APPOINTMENT: 651 Chase Road- NuGen Pre-Submission Discussion:** NuGen was represented by David Milner and Aaron Rust. NuGen currently owns both the land and the solar field at 651 Chase Road. NuGen was approached by UNITIL with a feeder issue into the substation. The substation was getting back-feed from too much solar. There is a new program in the Commonwealth hosted by the Clean Energy Center giving grants to test the use of batteries. UNITIL asked NuGen if it was interested in hosting a battery at its Chase Road site. The proposed project would be to place a battery on site and add solar to it. NuGen is looking for input and feedback from the Board. Some of the solar would go on the land NuGen owns and some on a neighboring parcel. The battery would be sized to accommodate both the existing and the new solar. D. Prokowiew inquired if the battery backup and additional solar would require a reassessment of the existing PILOT (Payment in Lieu of Taxes) agreement. A. Burney anticipated that would be up to the Select Board and will mention it to the Town Manager. D. Prokowiew noted he would be focused on wetlands, setbacks and buffering. He wants to ensure the neighborhood and environment are protected. P. Bertram inquired as to the extent of expansion. D. Milner responded that the battery size would allow for up to 4 additional MW; the site currently has approximately 3.5 MW. D. Milner wanted the Board to be aware that at this time the engineering has not been done so they are not sure if the site has room for an additional 4 MW. Panels are more efficient now than in 2014; approximately 4.5 acres can fit 1.2 MW. 4 MW would require less than 20 acres. NuGen owns 110 acres, but a large portion is unusable. The solar is on approximately 20-25 acres. They have an agreement with a neighboring parcel to use 20 of 50-60 acres. K. Chenis noted he would be okay with an expansion provided it fits into the conservation restrictions on the wetlands. He also would like to see the trails preserved and offered to provide NuGen with the trail locations. He wants information on the solar storage technology regarding the safety of lithium ion. P. Bertram was in agreement with all previous Board member concerns. She recommended NuGen review any former plans on file with the Conservation Commission. She also questioned why the original application was downsized. D. Milner noted that the SMART (Solar Massachusetts Renewable Target) Program has started and stressed that time is of the essence in this process. Board members noted that the existing solar field cannot be seen from Chase Road, but is visible from West Townsend Road.

John Whalen, 526 West Townsend Road- Inquired if NuGen's existing solar fields in Town comply with the Bylaws. He wanted to make sure the Board was aware that the rear of the site on Chase Road is zoned residential, not commercial.

**RECREATIONAL MARIJUANA REGULATIONS: Craft Cultivator-** This is a sub-set of Cultivators. It would be a cooperative (co-op), LLP or LLC comprised of only Massachusetts residents allowed to cultivate for non-medical adult use and process into other products. The LLP/LLC/co-op is not allowed to sell to consumers, but sells and transports to other marijuana establishments. The license mirrors the cultivation license.

Board discussion ensued. K. Chenis was concerned that the co-op could consist of various individuals e.g., growers, packagers, and those members of the LLP/LLC/co-op could be ever-changing. It was noted that all members would have to be approved by the Cannabis Control Commission (CCC). Space would be needed for cultivation and processing. Could there be satellite locations, e.g., Town residents getting licensed under the LLP/LLC/co-op and then allowed to grow on their own property? T. Cole felt that these facilities should go in the same zoning as that discussed under cultivation. K. Chenis opined that the Board needed to distinguish between cultivation and craft cultivator.

Kim Cole, 563 Massachusetts Avenue- Noted that the CCC regulations state each individual would be checked by the CCC and have a registration card in their possession. She voiced concern with lobbyists working to have site security determined on a case-by-case basis.

P. Bertram wants the Board to have discussions regarding the potential for outdoor satellite sites. She inquired if the Board had reached consensus on whether the ballot would contain individual questions or a single question. (Prior to P. Bertram's appointment to the Board, the Board agreed on individual questions for each use.) As these questions must be placed on the ballot by the Select Board, both the Town Manager and A. Burney recommend the Planning Board come before the Select Board at its December 11<sup>th</sup> workshop for discussion. P. Bertram recommended A. Burney prepare a letter for Planning Board review and then presentation to the Select Board. Discussion will continue at next Board meeting.

Katey Adams, Williams Drive- She supports prohibition. Recreational marijuana will negatively impact the Town residents.

**MRPC- Permitting Guidebook Discussion-** Karen Chapman, on behalf of MRPC, noted that MRPC is crafting the guidebook at no expense under DLTA (District Local Technical Assistance). The draft Guidebook had been circulated to various departments/offices/commissions/boards for input. Input was received from the Town Manager's office, Assessor's office, Fire Department, and Sewer Commission. Board discussion ensued regarding various edits to the draft Guidebook, e.g., needing permits for demolition of structures, regardless of age of structure; different permitting regulations for land owner/home owner associations, URL for the Zoning Map. D. Prokowiew requested inclusion of pre-submission meeting for Planning Board. K. Chapman will make these edits and others and have a revised Guidebook available for the December 10<sup>th</sup> Board meeting.

#### **MINUTES APPROVAL:**

**11/05/18- D. Prokowiew made Motion to approve, Seconded by T. Cole, P. Bertram and K. Chenis abstained, vote passed 3-0.**

**11/20/18- D. Prokowiew made Motion to approve, K. Chenis, P. Bertram abstained, vote passed 4-0.**

#### **COMMITTEE REPORTS:**

**Green Community Task Force-** The Board position to the Green Community Task Force is one of a liaison, not a Board representative. P. Bertram volunteered to be the liaison. **K. Chenis made Motion for P. Bertram to be the Board's liaison, Seconded by D. Prokowiew, all aye.**

**Capital Planning Committee-** The Committee has met with both the Fire and Police Departments. Will be meeting next with the DPW.

**Storm Water Task Force-** no report

**Agricultural Commission-** no report

**MJTC-** no report

**Open Space Ad Hoc Committee-** Working on final draft of Open Space and Recreation Plan.

**MRPC-** no report

**Charter Review Committee-** no report. Due to minimal meeting attendance by the current Board representative, T. Cole volunteered to be the Board's representative. **K. Chenis made Motion for T. Cole to be the Board's representative on the Charter Review Committee, Seconded by D. Prokowiew, all aye.**

#### **DIRECTOR'S ITEMS:**

Board members were in agreement with attending the December 11<sup>th</sup> Select Board workshop for a short discussion on the marijuana ballot questions.

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

**MEETING SCHEDULE:**

December 10-

- Public discussion of marijuana craft cultivator and marijuana transporter
- Public Hearing for Powell Stone and Gravel

January 14-

January 28-

**ONGOING ITEMS:**

**Earth Removal Permitting-** no report

**Village at Flat Hill, Drainage Review & Enforcement-** Trustees have complied with Board's request regarding maintenance of the retention ponds.

**Economic Development-** A. Burney believes the Select Board has set a charge to form an economic development committee. He anticipates a Board member will be requested to sit on this Committee.

**BOARD COMMENT/CONCERNS:**

K. Chenis welcomed P. Bertram to the Board.

D. Prokowiew noted that illegal parking is still on-going at Asian Imperial Restaurant.

**EXECUTIVE SESSION:**

**Board Chair M. Allison requested a Motion to enter Executive Session 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 enter back into Regular Session. So moved by K. Chenis, Seconded by D. Prokowiew, Roll Call Vote- P. Bertram, aye; T. Cole, aye; D. Prokowiew, aye; K. Chenis, aye; M. Allison, aye.**

**ADJOURNMENT:** 9:30 PM

Documents used at meeting:

Minutes-

11/05/18

11/20/18

ANR Plan, 380 Electric Avenue

ANR Plan, 388 & 390 Goodrich Street

NuGen Information Brochure

Draft Permitting Guidebook