

**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  
December 10, 2018

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

Present: Matthew Allison, David Prokowiew, Kenneth Chenis, Tanner Cole, Paula Bertram, Adam R. Burney

**ANR PLANS:**

**380 Electric Avenue-** Plan presented by applicant/property owner Jean Proctor. The Plan was previously presented at the November 26<sup>th</sup> Board meeting. At that time, it was discovered that the pump station fell within the 20 foot setback. Plan has been revised to show a 20.3 foot setback from the proposed property line. **D. Prokowiew made Motion to accept the ANR Plan as amended, K. Chenis Seconded, all aye.**

**811 & 813 Chase Road-** Plan presented by Neal Gorman, David E. Ross Associates, on behalf of the applicant/owner Alan Weiner. Parcel D of 1200 Sq. Ft. will be conveyed to 811 Chase Road; Parcel E of 1200 Sq. Ft. will be conveyed to 813 Chase Road. This will benefit the driveway construction for 813 Chase Road. **K. Chenis made Motion to accept the ANR Plan, D. Prokowiew Seconded, all aye.**

**APPOINTMENTS:**

**5 Electric Avenue, Asian Imperial- Request for Waiver-** Property owner Kim Chen requested waiver from Modification to Site Plan Approval for the purpose of adding a walk-in cooler and freezer at the rear of the building. This will result in the elimination of two (2) parking spaces, dropping the number of parking spaces to fifty-six (56). Those fifty-six (56) spaces continue to be compliant with the zoning bylaw. P. Bertram noted that the appropriate parking had been a Board concern in the past. She requested clarification on the seating as it related to parking spaces stating that the original Decision specified thirty-six (36) parking spaces. Her recollection was that a previously proposed building expansion did not move forward as it was determined there was not adequate parking for the existing restaurant seating. A. Burney noted that the regulations state they need one (1) parking space per table and one (1) for every two (2) counter seats. A seating schematic had been previously submitted to the Board, prior to P. Bertram's appointment to the Board. Kim Chen responded that based on number of tables, forty (40) parking spaces are required, but fifty-eight (58) are available. P. Bertram requested the project file note the number of seats available in the restaurant and the number of required parking spaces. **D. Prokowiew made Motion to accept the Request for a De Minimis Change with a note added documenting number of seats, K. Chenis Seconded, all aye.**

**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). She had edited the Guidebook as a result of comments provided at the November 26<sup>th</sup> Board meeting from both the Planning Board and other various departments. The Board was not in receipt of the revised Guidebook; therefore, could not review for final approval. The revised Guidebook will be sent electronically to Board members for individual input. Comments will be provided to K. Chapman for finalization. She requested receipt of comments by December 21<sup>st</sup> as under DLTA, this project must be completed by the close of 2018.

**PUBLIC HEARING: 151-181 Leominster Shirley Road-** see separate minutes

#### **RECREATIONAL MARIJUANA REGULATIONS:**

**Craft Cultivator-** A. Burney has contacted the Cannabis Control Commission (CCC) with questions; still waiting for a response. Craft cultivator is a sub-class of cultivator. Surrounding communities appear not to be writing specific regulations governing craft cultivator. K. Chenis questioned if the Board can define a smaller size with different security regulations than that which is defined for large scale. A. Burney responded that the CCC defines the security plan; the Board's regulations can't supersede the CCC regulations. K. Chenis did not want to inhibit the opportunity for town residents to participate in a co-op due to financially prohibitive security.

Discussion ensued regarding zoning districts for cultivation. A. Burney suggested if the Board wanted to allow craft cultivators in non-industrial areas, it should identify a canopy cap and apply it to all cultivators. There was discussion on whether the buffer zone should determine the locations and if craft cultivators should be allowed outdoors. The Board had previously noted it wanted cultivation only indoors. K. Chenis suggested a canopy of ~1000 Sf. Ft. could be located in the Outlying District. D. Prokowiew and P. Bertram opined that if located inside a structure and buffering was met, why limit the zoning district. There was discussion regarding the co-op model. Could there be fifty (50) cultivators under one (1) license? Should the buffers be different for different uses; e.g., more buffer for a manufacturing facility versus less buffer for cultivation? A. Burney suggested initial implementation should be as simple and uniform as possible. As more becomes know about the industry, the Board could go back and make amendments. As there were so many questions from the Board, **P. Bertram made Motion that a letter be written to the CCC identifying the Board's questions, D. Prokowiew Seconded, all aye.**

**Transporter-** A marijuana establishment is allowed to transport and also allowed to transport for others. There is also the option for a 3<sup>rd</sup> party transporter for those who wish to only transport. A. Burney is of the understanding that you can limit the transporting at a facility, but will clarify with the CCC. Transporter questions will be included in the letter to the CCC. A. Burney noted to the Board that it could regulate craft cultivator under cultivator. K. Chenis was concerned if cultivation is restricted to industrial zoning; it may not get voted in at town meeting, resulting in no regulation.

#### **MINUTES APPROVAL:**

**11/26/18- D. Prokowiew made Motion to accept, K. Chenis Seconded, all aye.**

**11/26/18, Executive Session- D. Prokowiew made Motion to accept, K. Chenis Seconded, all aye.**

#### **COMMITTEE REPORTS:**

**Capital Planning Committee-** Committee has started prioritization of requests.

**Storm Water Task Force-** Met with consultants to discuss timelines.

**Agricultural Commission-** no report

**Open Space Ad Hoc Committee-** Draft Plan distributed for comments prior to finalization and submittal to the State.

**MJTC-** no report

**MRPC-** Meeting focused on staff/administrative topics.

**Charter Review Committee-** A new building has been constructed for the Cemetery Commission. The Commission would like control of this building as Commission funds are being used for its construction, even though the DPW shares its resources and space with the Commission. Under the current draft, other than property under the Conservation Commission and the School Committee, the Town Manager has full jurisdiction over Town facilities and land. T. Cole feels that the Agricultural Commission should have jurisdiction over the Town's agricultural lands.

**Green Community Task Force-** no report

**DIRECTOR'S ITEMS:**

**Open Space Plan-** The draft Plan was circulated to relevant departments. M. Allison provided his comments to the Open Space Ad Hoc Committee Chair. P. Bertram voiced her comments at this meeting as she felt they pertained to planning.

Both she and D. Prokowiew noted that the Board needs to start looking at the Master Plan in conjunction with the Open Space Plan. A. Burney noted the Board of Selectmen's December 11<sup>th</sup> meeting at which there will be a discussion of a capital item for funding a consultant for the Master Plan. The Board was unaware of that planned discussion. The Board stressed that the Master Plan comes under the jurisdiction of the Planning Board and that the Board of Selectmen should table any discussion of the Master Plan. A. Burney inquired if the Board would be available December 18<sup>th</sup> for a Master Plan discussion with the Board of Selectmen.

**D. Prokowiew made Motion to send a letter of support for the Open Space Plan, P. Bertram Seconded, all aye.**

**Recreational Marijuana Ballot-** Members were in possession of a memorandum and draft articles that would be discussed at the December 11<sup>th</sup> Board of Selectmen meeting. K. Chenis noted that with the way the ballot questions are written, there is no indication of the alternative to prohibition. He proposed that citizens be given two choices, e.g., A: Do you want prohibition or, B: Do you want regulation? A. Burney noted these are the proposed articles, not ballot questions. The ballot questions must mirror the articles.

**994 Northfield Road, Right of First Refusal-** Correspondence received from 994 Northfield Road LLC notifying the Town of its intent to remove land from Ch. 61B. Board discussion ensued. The land is located to the west of Settlers Golf Course and the property owner plans on leasing it for construction of a solar field. **P. Bertram made Motion to recommend that the Board of Selectmen waive their right of first refusal, K. Chenis Seconded, P. Bertram, aye; T. Cole, aye; K. Chenis, aye; D. Prokowiew, nay; M. Allison, aye. Vote passed 4-1.** Packet will also be provided to the Open Space Ad Hoc Committee Chair.

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

**MEETING SCHEDULE:**

December 11- Joint with Board of Selectmen for Ballot Discussion

January 14-

- Master Plan
- Draft marijuana bylaw
- Ch. 41, Section 81D
- Earth Removal Permitting

January 28-

**ONGOING ITEMS:**

**Earth Removal Permitting-** no report

**Village at Flat Hill, Drainage Review & Enforcement-** no report

**Economic Development-** Business Town Partnership meeting to be held in the near future.

**BOARD COMMENT/CONCERNS:**

P. Bertram feels that the Board needs to be involved in discussions regarding the Town buildings from a planning perspective.

M. Allison noted that the Historical Society re-chartered the Town Grange.

**EXECUTIVE SESSION:** Agenda was revised and posted less than the statutory requirement of 48 hours as the Chair found that this is a special circumstance as the meeting for discussion in executive session was not set until December 7, 2018, and until that meeting was held this date, there was no indication there would be sufficient discussion that would warrant an 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. K. Chenis made motion, P. Bertram Seconded, Roll Call Vote- P. Bertram, aye; T. Cole, aye; K. Chenis, aye; D. Prokowiew, Aye; M. Allison, aye.**

**ADJOURNMENT:** 10:06 PM

Documents used at meeting:

Minutes-

11/26/18

11/26/18, Executive Session

ANR Plan, 380 Electric Avenue

ANR Plan, 811 & 813 Chase Road

Draft Permitting Guidebook

Draft Articles