

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
Public Hearing
151-181 Leominster Shirley Road
December 10, 2018

Meeting Posted: Yes

Place: Town Hall, 17 Main Street, Lunenburg, MA

Time: 6:53 PM

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

Board member Tanner Cole recused himself.

The Hearing was to hear and discuss an application for Modification to Site Plan Approval under Section 250- 8.4. of the Code of the Town of Lunenburg, MA to permit the current operation of gravel manufacturing and processing at 151 (Map 146, Parcel 27) and 181 (Map 146, Parcel 8) Leominster Shirley Road, Lunenburg, MA. Applicant/Owner is Steven Powell, PSG Realty 393-435, LLC, 133 Leominster Shirley Road, Lunenburg, MA.

The Applicant/Owner (hereinafter referred to as PSG) was represented by Brian Marchetti, McCarty Engineering, Inc. B. Marchetti gave a background noting the Board's 2011 approval for construction of a 24,000 Sq. Ft. garage and associated paving, grading and drainage at 151 Leominster Shirley Road. In August 2018 a letter was sent to the Board of Selectmen from Building Commissioner Garry Rhodes. The letter stated that earth removal had also taken place on an adjacent parcel identified as Map 146, Parcel 8 (181 Leominster Shirley Road). The Board of Selectmen informed PSG that the unpermitted area would require Site Plan Approval by the Planning Board.

The property has been re-surveyed and wetlands delineated. PSG has filed with both DEP and the Conservation Commission. 151 Leominster Shirley Road has 50,000 Sq. Ft. less pavement than originally permitted as the building and associated paving were not constructed. Grades and topography will be reestablished to contain all stormwater runoff on site. Runoff will be contained to the east side of the site to a graded berm and detention basin. The paved drive at the front of the site will continue to drain to the existing infiltration basin built in 2011. Only the topography and grading will be changed. B. Marchetti summarized the project's Impact Analysis (on file in the Planning Office).

Incorrect zoning lines were of concern to both Building Commissioner G. Rhodes and peer reviewer Jeffrey Walsh, Graves Engineering, Inc. (GEI). A portion of the property is zoned Residential, but being used for commercial purposes. B. Marchetti stated the zoning lines were taken from the property report cards and made no mention of Residence B zoning. The zoning is Commercial to the left, Office Park/Industrial to the south and Residential to the north. The Residential portion is eight (8±) acres. PSG would be affected both operationally and financially if those eight (8) acres cannot be used. He inquired if a variance through the Zoning Board of Appeals was a possibility. If not, then the Applicant would need to go to town meeting for a zoning change. A. Burney noted the bylaw does not allow for use variances. The bylaw allows for the use in the less-restrictive district (OP/I) to be used up to fifty (50) feet into the more-restrictive district (RB). A citizen petition would be required to move

the zoning line. As this is an on-going operation, P. Bertram inquired if the Board is required to take action pending town meeting. A. Burney responded no, but an issue is on-going as 151 and 181 have independent addresses, but function as a single use. 151 had an earth removal permit carried to completion and the Board of Selectmen requested a closure plan. The closure plan was the 24,000 Sq. Ft. building. That building was constructed at another address on Leominster Shirley Road. In conjunction with the closure plan, the Board of Selectmen requested the Planning Board review the current use to see if it meets standards for closure.

Options available to the Board are allowing PSG to, 1) withdraw the Modification or, 2) continue the Hearing indefinitely in the event a zoning change is approved at town meeting. If the zoning change passes, PSG would then return to the Board for the continued Hearing.

K. Chenis questioned if the Board, at this time, should approve any areas that can be approved; up to fifty (50) feet into Residence B could be approved. P. Bertram had concerns that this could possibly create more problems with PSG as the Decision would specify only fifty (50) feet outside the zoning line. B. Marchetti noted that all of the berm would be located within the OP/I zoning. As no one is currently seeking enforcement action against PSG, it was suggested the Board wait until after town meeting to take action. If the zoning line does not change as a result of town meeting, then PSG would have to take corrective action. As this is a Site Plan Approval, there is no timeline that must be met. K. Chenis suggested PSG appear at a February Board meeting to provide a status update.

B. Marchetti had prepared a letter (on file in the Planning Office) in response to GEI's review letter of December 7, 2018. The letter noted actions taken to rectify issues in the review letter.

P. Bertram suggested continuing the Hearing to the February 11th Board meeting for a status update.

J. Walsh, GEI, stressed this is an organized, clean operation. He went on to note isolated runoff and localized sediment in the vicinity of the ramp for the sand pile and also in the vicinity of the compost piles. He was concerned with the berm consisting completely of earth. If water flows over it a breach can occur, so he is asking for a rip rap spillway. He noted that if the proposed vegetation on the berm is a wetland species, it will not survive. As the berm is dry, the vegetation needs to suit that same environment. Due to the fact that this may be delayed for 4-6 months, pending May town meeting, he would like to see the berm go in before town meeting, if possible. That would benefit both the business and the wetlands. Board consensus was to wait for Conservation Commission input before approving the berm.

The following waivers were requested from Board Rules and Regulations for Site Plan Approval and Special Permits:

1. Section 4.1 f.2)- Plan scale of 1" = 40'
2. Section 4.1 f.20) – Traffic data
3. Section 4.1 f.22) – Photometric plan

M. Allison noted the vertical datum was not listed; detail will be added.

No public comment.

K. Chenis made Motion to accept requested waivers as documented, D. Prokowiec Seconded, all aye.

K. Chenis made Motion to continue the Hearing to February 11, 2019, 6:35 PM, P. Bertram Seconded, all aye.

Hearing recessed 7:47 PM

Documents used at meeting:
Application for Modification to Site Plan Approval
GEI Review Letter dated 12.07.18
McCarty Review Response Letter dated 12.10.18