

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

Gregory Bittner, Chair  
Matthew Allison, Vice Chair  
Kenneth Chenis, Clerk  
David Prokowiec, Mbr.  
Tanner Cole, Mbr.



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Adam R. Burney  
Land Use Director

Marjorie J. Boggio  
Administrative Assistant

Minutes  
June 25, 2018

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

Present: Gregory Bittner, Matthew Allison, Kenneth Chenis, David Prokowiec, Tanner Cole, Adam R. Burney  
Also Present: Town Counsel Adam Costa and Police Chief James Marino

**PUBLIC COMMENT:**

John Baker, 53 Chase Road- Spoke against any commerce of marijuana in Town. He was previously a member of the Lunenburg police force and also a state bail commissioner for numerous years. It is his opinion that marijuana is a gateway drug.

Bill Gustus, 19 Burke Street- Requested that the Board be open to the Plan that will be presented during Executive Session. He asserted that this Plan is the applicant's best effort.

**ANR PLAN: 92 Cove Road-** Plan presented by Steve Ballard, Whitman & Bingham Associates. Property owner conveying .42Acs± to abutter at 82 Cove Road. Plan endorsed by Board.

**RECREATIONAL MARIJUANA BYLAW- Public Input-**

PowerPoint presentation on Non-Medical Adult Use Marijuana Regulation given by A. Burney.

Presentation highlights:

Allowable Personal Uses

Types of Establishments

Role of Municipalities in Licensing

Requirements of Applicants

Host Community Agreements

Compliance with Zoning Bylaws

Procedures for Limitation/Prohibition

Kim Cole, 563 Massachusetts Avenue- had questions regarding a Host Community Agreement (HCA), such as who approves/accepts the HCA, insurance from the applicant and who oversees the funds, and buffers.

G. Bittner asked Attorney Costa if the Board should craft a single bylaw that covers both medical and non-medical marijuana. A. Costa responded that whether or not the Board chooses to do that, the Board will most likely need to update its bylaw within a couple of years.

The Board hopes to have a draft bylaw in place by this September. A. Burney noted that the Attorney General recently approved a moratorium extension through July 2019 for a Massachusetts community. If the Board is unable to have a bylaw ready for a fall Special Town Meeting, the Board could possibly amend its current moratorium through May 2019 Town Meeting to allow for a longer planning process.

Katey Adams, 45 Williams Drive- would like the Board to consider restricting non-medical marijuana in Lunenburg. She suggested that the 53% of Lunenburg residents that voted in favor of Question 4 may have been voting for decriminalization; not necessarily for a retail establishment or cultivation; there's no way of knowing. She believed that it would increase drug use within Town and provide easier access for teenagers.

G. Bittner asked who would initiate a prohibition ballot- Board of Selectmen. A. Costa explained to the Board that it could propose a prohibition bylaw for town meeting warrant. If a prohibition bylaw is proposed, the ballot question needs to be paired with the town meeting vote. If the prohibition doesn't pass, and a bylaw that restricts use hasn't been adopted, then Lunenburg is left with no regulation. He cited Deerfield, MA, which placed a prohibition on its ballot. Deerfield did not get the vote on the prohibition, but they had a restriction in place for town meeting warrant.

Board members asked for comment from Police Chief James Marino. Chief Marino noted that not much data is available; people need to look at other states that have legalized marijuana. The World Health Organization indicates statistics on vehicle-related deaths from marijuana are not accurate as it is difficult to test for marijuana. Chief Marino went on to state that there is no reliable way to test drivers under the influence.

A. Burney informed the Board that so far there have been 100± responses to the Survey, with the majority of them appearing to be anti-prohibition. The Survey will probably run for another month.

K. Chenis suggested the Board aim for a bilateral provision; a prohibition bylaw and a backup restriction bylaw.

T. Cole inquired if the sales tax, excise tax, and optional local tax are in addition to the tax in the HCA. A. Costa noted that an establishment seeking to operate has to execute an agreement with the host community, which may include a community impact fee. The community impact fee must be reasonably related to the cost imposed on the town by the operation of the specific facility. This impact fee could differ widely between a retail establishment facility and a cultivation facility.

**AD HOC OPEN SPACE COMMITTEE COMPOSITION-** The Committee would like to increase its composition from five (5) to seven (7) members. Those additional two members would represent the Parks Commission and a Member-At-Large. **M. Allison made Motion to approve the increase from 5 to 7 members to include a member from the Parks Commission and Member-At-Large, Seconded by D. Prokowiew, all aye.** A. Burney will advertise for the Member-At-Large and the Planning Board can appoint that individual at the July 23<sup>rd</sup> Board meeting. The Open Space Committee next meets July 25<sup>th</sup>.

**MINUTES APPROVAL:**

6/11/18, Tri Town Landing- **D. Prokowiew made Motion to approve minutes, Seconded by T. Cole, vote passed 4-0, K. Chenis abstained.**

6/11/18, 1054 Northfield Road- **D. Prokowiew made Motion to approve minutes, Seconded by M. Allison, vote passed 4-0, K. Chenis abstained.**

6/11/18- In process

**COMMITTEE REPORTS:**

**Green Community Task Force-** no report

**Capital Planning Committee-** no report

**Storm Water Task Force-** no report

**Agricultural Commission-** The Farmers' Market opened June 24<sup>th</sup> for the season. The Commission will be hosting the band concert either July 16<sup>th</sup> or 30<sup>th</sup>. The Commission is down to three (3) members.

**MJTC-** no meeting

**MRPC-** next meeting July 28<sup>th</sup>

**Open Space Ad Hoc Committee-** Members had 10± properties on which they will be testing a mobile app. The Committee is currently working on updating the Open Space and Recreation Plan (OSRP).

**Charter Review Committee-** Met June 11<sup>th</sup> to review the public hearing of April 5<sup>th</sup>. Committee will reorganize members' tasks at its June 27<sup>th</sup> meeting. Committee hopes to have warrant articles for May 2019 Town Meeting.

**DIRECTOR'S ITEMS:**

**§250- 4.15. Solar Energy Systems-  
Recreational Marijuana Regulations-**

**MEETING SCHEDULE:**

July 9  
July 23

**ONGOING ITEMS:**

**Village at Flat Hill, Drainage Review-** The Board is still waiting for a response from the Trustees as to a plan/schedule for the work on the detention basins. K. Chenis asked if they will be required to fix Flat Hill Road. G. Bittner noted that the DPW Director informed the Board of Selectmen that repairing the road will be on hold until the ongoing water issue has been resolved.

**§250- 8.3. Board of Appeals-**

**§250- 6.5. Sign Bylaw-**

**Economic Development-** A. Burney attended a meeting this date with the business town partnership. The Pepperell Business Association was in attendance and provided helpful guidance.

**BOARD COMMENT/CONCERNS:** Patrons to Asian Imperial Restaurant, 5 Electric Avenue, are parking in what was previously the driveway for the abutting property. The Board's Decision stated that this driveway was to be removed. A. Burney will bring this to the attention of the Building Commissioner/Zoning Enforcement Officer.

**EXECUTIVE SESSION:** G. Bittner requested a Motion to enter into Executive Session pursuant to G.L. c. 30A, § 21, to discuss strategy with respect to litigation, namely Town of Lunenburg v. Settlers Solar, et al., Worcester Superior Court Docket No. 1785CV01959-D, and Settlers Solar, LLC, et al. v. Town of Lunenburg, et al., Land Court Docket No. 17 MISC 000690 (HPS), where an open meeting may have a detrimental effect on the litigating position of the Town", not to return to Regular Session, K. Chenis made Motion, Seconded by D. Prokowiew, roll call vote- T. Cole, aye; D. Prokowiew, aye; K. Chenis, aye; M. Allison, aye; G. Bittner, aye.

**ADJOURNMENT:** 9:07 PM

Documents used at meeting:  
ANR Plan, 92 Cove Road  
Minutes-  
6/11/18 Tri Town Landing  
6/11/18 1054 Northfield Road  
PowerPoint Presentation – Non-Medical Adult Use Marijuana Regulation

**RECEIVED & FILED**

**JUL 24 2018**

**LUNENBURG TOWN  
CLERK OFFICE**