

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

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Minutes  
Public Hearing  
Aro Estates off Howard Street  
April 29, 2019

Meeting Posted: Yes  
Place: Town Hall, 17 Main Street, Lunenburg, MA  
Time: 6:30 PM  
Present: Matthew Allison, Tanner Cole, Paula Bertram, Adam R. Burney  
Absent: Kenneth Chenis  
Also Present: Adam Costa, Town Counsel

The Hearing was to hear and discuss applications under the Code of Lunenburg, Chapter 325, Subdivision Regulations, for nine subdivisions totaling 122 lots: Aro Estates 1, containing eighteen lots; Aro Estates 2, containing nineteen lots; Aro Estates 3, containing seventeen lots; Aro Estates 4, containing twenty-one lots; Aro Estates 5, containing twenty lots; Aro Estates 6, containing sixteen lots; Aro Estates 7, containing five lots; Aro Estates 8, containing six lots; and Aro Estates 9 containing one parcel. Parcel addresses are: 460 Howard Street, Map 6, Parcel 25, owner 460 Howard Street Realty Trust, 18 Cassimere Street, Andover, MA; 318 Howard Street, Map 17, Parcel 20, owner O'Brien Homes, 18 Cassimere Street, Andover, MA; 400 Howard Street, Map 6, Parcel 24, owner John Aro, 280 Poor Farm Road, New Ipswich, NH; and 390 Howard Street, Map 17, Parcel 34, owner O'Brien Homes, Inc. Applicant is O'Brien Homes, Inc., 18 Cassimere Street, Andover, MA.

The applicant O'Brien Homes was represented by Attorney Don Borenstein, Johnson & Borenstein, 12 Chestnut Street, Andover, MA. Also present were Kevin O'Brien, Principal, O'Brien Homes, and Wes Flis, Project Engineer, Whitman & Bingham Associates (WBA).

This project has been in litigation for a number of years and now a Settlement Agreement has been reached. Some of the main points called for in the Settlement Agreement were, 1) a portion of the total 189 acre site be conveyed to the Town for conservation purposes (will be ~44 acres), 2) 20% of the houses will be 55+, 3) access will be provided to Town-owned land behind the site, and 4) the project will be reduced by 13 lots. The 44 acres to the Town will be the combination of Aro 9 and 10. Aro 6 and 8 have been amended under the Settlement Agreement. Aro 1 – 5, and 7 remain unchanged.

WBA presented two handouts to the Board; the proposed layout plan from 2012 and an updated 2019 plan showing the changes per the Settlement Agreement. Aro 6 has been modified to eliminate the cul-de-sac in Aro 9. Aro 8 has been reduced from 23.4 to 11.2 acres (6 lots) to reduce impact to the headwaters of Mulpus Brook. Some of Aro 8 became part of Aro 9, which will be deeded to the Town. As a result of Aro 9 and 10 being deeded to the Town, seven lots will be removed.

P. Bertram wanted to ensure that any outstanding concerns noted in the David E. Ross review letter of 04.17.13 had been/would be met. She also noted concerns of the Fire Department. WBA noted those had been met. Board members requested a site walk along the easement to the Town-owned property to the site's rear. A. Burney noted that the detention basin previously located in Aro 8 does not appear to have been relocated elsewhere in the reconfigured plans.

David Rodgers, 82 Highland Street- He had various concerns, i.e., the easement parking for individuals accessing Town forest, busing of school-age children, impact on the schools, road/drainage improvements, and phasing of construction. He also inquired what was meant by the project being remanded to the Board. A. Costa supplied a brief explanation of the project's history to the public with the Board's denial of the original 10 subdivisions.

Dave Passios, 56 Whiting Street- Inquired if the access to the Town forest will be via easement or deed transfer to the Town.

Jacob Stephen, 440 Howard Street- Believed consideration should be given to creating open space around the existing homes that will be impacted by the development. Asked if environmental impact assessments had been accomplished with the influx of 122 houses.

D. Passios- Inquired as to bedroom count for each home.

Tom Alonzo, 284 Lancaster Avenue- Suggested access to the Town forest should be deeded property instead of an easement. Due to the cost of maintaining the Town roads, he inquired if it is mandatory or discretionary for the Town to accept roads within a subdivision.

Liz Mason, Sequoia Drive- Concerned with drainage, schools, and traffic. She went on to question the relevancy of an 11 year old traffic study.

Jona Kapuchi, 363 Howard Street- Emphasized that the access drive for the site is situated on a blind corner and wondered if it could be relocated.

Seth Mayer, 291 Howard Street- Concerned with the road infrastructure.

D. Borenstein wanted the public to be aware that this has been a project before the Board/courts for over ten years. The applicant felt that the project had been denied by the Board, not for lack of compliance with the Zoning bylaw, but for other reasons that were not appropriate for subdivision denial in the Commonwealth. He opined that the court's decision was clear that the Board's reasons for denial were not appropriate. He also stressed the concessions that had been made, both by the applicant and by the Planning Board, to reach this Settlement Agreement.

Bedroom count will be 3-4 bedrooms per home. WBA noted traffic mitigation measures in the 2013 traffic update by Abend Associates. A. Costa noted that if Board members want certain measures achieved, they can request such; it will be the applicant's choice whether or not to meet those concerns. WBA highlighted the recommendations of the 2008 traffic study and 2013 update. D. Borenstein noted the access road to the Town forest will be an extension of the subdivision roadways. His understanding is that it will start as an easement, but become the property of the Town if the Town accepts the roadways. A. Costa stressed to the public that only town meeting can accept the roadways. WBA noted the drainage analysis hasn't changed since 2013 so drainage plans were not updated.

P. Bertram stated that she does not have an issue with the Settlement Agreement, but still has questions specific to the plans. A. Costa responded those are appropriate topics for Board discussion and the Board can request the applicant continue the hearing to allow for those topics to be addressed. The width of the road for parking within close proximity to the Town forest raised concerns with the Board. A. Costa did not have legal concerns whether it is a roadway easement or an access easement. Both A. Costa and T. Cole recall the conversations during the Settlement Agreement were for a roadway extension.

D. Rodgers- Concerned with the possibility of the site having multiple developers instead of just one.

J. Stephen- Reiterated his concern with impact to abutters.

D. Borenstein explained Mr. O'Brien intends to develop the subdivision in a marketable fashion, which would include site landscaping. Mr. O'Brien had conveyed to D. Borenstein he would be happy to meet with concerned abutters at the conclusion of this evening to exchange contact information and discuss possible site treatment along common property lines. D. Borenstein will examine the easement access/road situation. P. Bertram does not want it to look like a developed road. T. Cole asked if the Board wants to provide access to the entire Town and adjoining communities with the possibility of two travel lanes or a more unobtrusive road for residents in the immediate vicinity. P. Bertram wants to retain the wooded look and not a two lane road. M. Allison noted that 200+ feet of a single driving lane will be a safety issue. W. Flis suggested a 40 ft fee interest closer to the cul-de-sac in Lot 22, Aro Estates 8. Mr. O'Brien would be agreeable to constructing a 20 foot wide gravel drive to the open space. D. Borenstein will work on revising the access per current discussion. The Board will seek comments from the Conservation Commission. WBA will provide pdfs of the plans to the Board along with documentation that shows the final peer review comments have been addressed.

**P. Bertram made Motion to continue the concurrent subdivision hearings to May 13, 2019, 6:30 PM, T. Cole Seconded, all aye.**

**Hearing recessed 8:44 PM.**

Documents used at meeting:

Definitive Subdivision Plans, Aro Estates 1-9

Amendment Narrative

Traffic Impact Update, Abend Associates, 02.11.13

Letter, Fire Department, 03.01.13

Letter, Board of Health, 11.07.12

Review Letters, David E. Ross Associates, Inc., 01.24.13, 02.25.13, 03.29.13, 04.09.13, 04.17.13

Proposed Layout - 2012

Proposed Layout - 2019