

TOWN OF LUNENBURG
Office of the Planning Board

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Minutes
Public Hearing
Town Meeting Zoning Article 40 (cont'd)
April 29, 2019

Meeting Posted: Yes
Place: Town Hall, 17 Main Street, Lunenburg, MA
Time: 8:45 PM

Present: Matthew Allison, Tanner Cole, Paula Bertram, Adam R. Burney
Absent: Kenneth Chenis
Also Present: Adam Costa, Town Counsel

The Hearing continuation was to make alterations to Code of the Town of Lunenburg Chapter 250 Zoning: by citizen petition, 4.1. Permitted and Prohibited Uses, 4.1.J. Recreation Uses, to add (7) Exhibition and Workshops, and to add the corresponding use to 4.1. Permitted and Prohibited Uses, 4.1.G Use Table.

The petitioner of Article 40, Dr. Massey of 300 Holman Street, was represented by Attorney Robert Bowen, Bowen and Bowen. Atty Bowen noted that his presentation was made at the April 22nd hearing and the hearing was continued to this date as the Board wanted to obtain input from Town Counsel.

A. Costa noted that the Board was looking for what is an allowable use in a residential zone and what would be the impact to the Town with passage of this Article. A. Costa concurred with previous opinions by both the Building Commissioner/Zoning Enforcement Officer and former Town Counsel. He went on to elaborate that one-time events generally do not go against Town zoning; however, more frequent use, even if intermittent, could be a permanent use of a specific property and if non-compliant with zoning requirements, would be a violation of the zoning bylaw. The Building Commissioner/Zoning Enforcement Officer has the authority to make those determinations on a case by case basis. Article 40 would create a new use, allowable in every zoning district subject to an entertainment license.

Dave Passios, 56 Whiting Street- Not in favor of changing the zoning bylaw with an issue that should be handled by the Board of Selectmen. He also feels this should be debated on town meeting floor.

Attorney Bowen- Noted the petitioner is pursuing this new use as he was admonished to do so by the Building Commissioner/Zoning Enforcement Officer. This Article was intended to be a place holder to trigger a discussion. Does the Board support a new use?

T. Cole made Motion to close the public hearing, P. Bertram Seconded, all aye.

Hearing closed 9:15 PM

Documents used at hearing:
Citizen Petition, Article 40