

TOWN OF LUNENBURG

Office of the Planning Board

Matthew Allison, Chair
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 Town Meeting Zoning Articles April 22, 2019

Meeting Posted: Yes
Place: Town Hall, 17 Main Street, Lunenburg, MA
Time: 7:13 PM

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

The Hearing was to make alterations to Code of the Town of Lunenburg Chapter 250 Zoning: (i) Article V, 5.6. Cluster Development by adding a new Subsection F, (ii) by citizen petition, Article IV, 4.13. Solar Energy Systems, to change the special permit granting authority, (iii) by citizen petition, Article IV, 4.1. Permitted and Prohibited Uses, 4.1.J. Recreation Uses, to add (7) Exhibition and Workshops, (iv) by citizen petition, Article IV, 4.1. Permitted and Prohibited Uses, 4.1.G Use Table, to add the corresponding use, and (v) by citizen petition, to amend the Zoning Map by rezoning portions of land located at 131 (Map 146, Parcel 0003), 133 (Map 146, Parcel 0004), 151 (Map 146, Parcel 0027) and 181 (Map 146, Parcel 0008) Leominster Shirley Road.

Article 38- Hearing opened 7:13 PM

By citizen petition, to see if the Town will vote to amend the Zoning Map for portions of land located at 131, 133, 151 and 181 Leominster Shirley Road. Specifically, rezone a portion of land located at 131 Leominster Shirley Road from Residence B to Commercial; rezone a portion of land located at 133 Leominster Shirley Road from Office Park and Industrial to Commercial; rezone a portion of land located at 151 Leominster Shirley Road from Commercial to Office Park and Industrial; and rezone a portion of land located at 181 Leominster Shirley Road from Residence B to Office Park and Industrial.

Petition presented by Brian Marchetti, McCarty Engineering on behalf of Powell Stone and Gravel (PS&G). The four parcels are held in common ownership by PS&G. Sections of the property currently have zone lines that do not follow the property lines. PS&G is requesting that the zoning within each lot be consistent and extend to the property boundary. This will allow PS&G to operate the full property as an allowed use. PS&G is looking for Planning Board support of this petition for May 2019 Town Meeting. If passed at town meeting, two parcels would be Commercial and two would be Office Park and Industrial. **P. Bertram made Motion to close the hearing, T. Cole Seconded, all aye.**

Hearing closed 7:23 PM

Article 40- Hearing opened 7:24 PM

By citizen petition, to see if the Town will vote to amend the Code of Lunenburg Chapter 250 by adding Section 4.1.J(7), Exhibition and Workshops.

This article would add a new use to the Use Table in the Code of Lunenburg. Petitioner Dr. Massey, 300 Holman Street, was represented by Attorney Robert Bowen, Bowen and Bowen. Atty Bowen summarized the background leading up to this petition. Dr. Massey has been waiting for the Board of Selectmen to develop its Special Event licensing. He has been admonished by the Building Commissioner to pursue a change of use with the Planning Board.

The addition of 4.1.J(7), would be as follows: *Exhibition and Workshops: Any outdoor or indoor farming or artistic performance or exhibition, including but not limited to, music, plays and staged readings, poetry, dance, farming and art fairs and exhibitions, or any lectures, talks, trainings or workshops on educational topics including but not limited to farming, health, nature, or art.*

It would also add the corresponding definition to the Use Table to be allowed in all districts pursuant to an entertainment license by the Board of Selectmen.

Attorney John Dombrowski- On behalf of some Lunenburg homeowners, stated there is fear that this will compromise their primary asset, i.e., their home. He went on to state this this circumvents zoning. Atty Dombrowski recommended that the Board seek input from Town Counsel. He asserted this is being proposed to benefit one property owner and will be to the detriment of neighborhoods.

Chris Barrile, 44 Holman Street- Stated that the article is too broad, e.g. does not limit number of attendees or frequency of events.

Steve Whitman, 473 Holman Street- Stated that the petitioner bought a piece of property with the intention of running a business, but that it is not permitted at that location under current zoning. He has spoken against this numerous times; it is a residential area and there are road deficiencies that would not be favorable to extensive traffic.

Nate Wallick, 6 Windermere Drive- He believes M. Allison has a close relationship with the petitioner and should not be allowed to participate. The commercial interests of Dr. Massey should not be put above the interests of the neighborhood.

A. Burney stressed to the public that this is a petition submitted by a town resident; allowable by the town meeting process. This hearing neither approves nor denies the petition. The Board will make a recommendation to town meeting and the citizens will have the right to vote at that time.

Derek Matson, 4 Windermere Drive- Feels this relates to one specific property within town.

P. Bertram inquired of Atty Bowen what was meant by "indoor farming". He responded it was intended to encompass events, e.g., grange event. P. Bertram wants to know how this is different from other town events. A. Burney responded that most of the town events are usually municipal events.

M. Allison stated this article is not specific to any individual; it is town-wide.

Atty Bowen would like to hear any Board concerns so they can be addressed prior to town meeting.

Board members plan to seek input from Town Counsel regarding this article.

Steve Weaver, 288 Holman Street- Noted events at 300 Holman Street aren't being monitored and are advertised on Facebook.

Francisco Ventura, 2 Windermere Drive- Would like the Board to recommend to the Board of Selectmen to keep the neighborhood residential.

P. Bertram made Motion to continue the hearing to April 29th, T. Cole Seconded, discussion- T. Cole felt that the Board did not have answers for the questions posed at this hearing. The Board also needs to look at the unintended consequences of allowing these types of uses in residential zoning. P. Bertram has two questions for Town Counsel; 1) what constitutes an allowable use on private property. Is it the use of public access, and 2) the potential impact the passage of this article would have on zoning. **Vote taken, all aye.**

Hearing recessed 8:26 PM

Article 42- Hearing opened 8:27 PM

By citizen petition, to see if the Town will vote to amend the Code of Lunenburg Chapter 250 Section 4.13. by changing the special permit granting authority for solar energy systems.

The petitioner was not present for the hearing, but had supplied a letter to the Board stating that he intended to address Town Meeting as to why he believed the *"Zoning Board was best suited for issuing special permits with respect to solar energy systems"*. Board members present were of the opinion that this is a Planning Board responsibility and should not be delegated to another board.

Hearing closed 8:30 PM

Article 33- Hearing opened 8:31 PM

To see if the Town will vote to amend the Code of Lunenburg Chapter 250, Section 5.6., "Cluster Development".

This article adds a new Subsection F. Anti-Segmentation. Subsection F would disallow segmentation of a development/series of developments.

Hearing closed 8:32 PM

Documents used at hearings:
Citizen Petition, Article 38
Citizen Petition, Article 40
Citizen Petition, Article 42
Planning Board Zoning Article 33