

TOWN OF LUNENBURG
Office of the Planning Board

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Kenneth Chenis, Clk.
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Minutes
Public Hearing
Town Meeting Warrant Articles
October 22, 2018

Posted: Yes
Place: Town Hall, 17 Main Street, Lunenburg, MA
Time: 8:30 PM
Present: Matthew Allison, Kenneth Chenis, David Prokowiew, Tanner Cole, Adam R. Burney

The Hearing was to make alterations to Code of the Town of Lunenburg, (i) Article II Definitions, Section 250- 2.1., (ii) Article IV Use Regulations, Section 250- 4.1., Permitted and Prohibited Uses; (iii) Article IV Use Regulations, Section 250- 4.15., Temporary Moratorium on Sale and Distribution of Recreational Marijuana; (iv) Article VI, 250- 6.5., Signs; and (v) Article VIII Administration, Section 250- 8.3., Board of Appeals. Notices were sent to abutting towns, cities, agencies and Town departments.

The Planning Board is submitting five articles for November 2018 Special Town Meeting. (Complete texts for all Planning Board Articles are on file in the Planning Office.)

(i) (Article 14- numbered as such on the draft warrant) – Modifies 250- 2.1., by deleting definitions for Assisted Living Residence; Bed and Breakfast or Bed and Breakfast Establishment; Car Wash; Gasoline Station/Service Station or Filling Station; Hotel, Inn, Tourist Home or Lodging House; Kennel; Office Park; Professional Building; Rooming House or Boarding House; Shopping Center; and Townhouse.

This Article deletes definitions from 2.1 that are duplicated in the Use Table in 4.1. **K. Chenis made Motion to accept, Seconded by D. Prokowiew, all aye.** David Passios, 56 Whiting Street, noted a point of order that the Board cannot vote to accept until the Hearing is closed. **K. Chenis retracted his Motion.**

(ii) (Article 15- numbered as such on the draft warrant) – Modifies §250- 4.1.G by inserting the letter “Z” after “SP” for Single and Two-Family Dwelling Uses in the Village Center District and deleting Note 3.

This Article makes modifications to 4.1.H(4) and 4.1.H(5) of the Use Table. K. Chenis questioned if 4.1.N(3), Earth Removal SP (special permit) should come under the Board of Selectmen. Also 4.1.N(5) Veterinary Hospital specifies a SP in the Tri Town Smart Growth District. These two items will be amended on town meeting floor to add Board of Selectmen to 4.1.N(3) and remove Veterinary Hospital from the Tri Town Smart Growth District.

(iii) (Article 16- numbered as such on the draft warrant) – Modifies §250- 4.15.C by deleting November 30, 2018 and inserting May 31, 2019 and §250- 4.15.D by inserting “the remaining portions shall remain in full force and effect.”

This Article extends the moratorium on the sale and distribution of recreational marijuana to May 31, 2019. This will allow the Board time to finalize its current planning process.

Carl Luck, 50 Sunset Lane- Inquired as to the work accomplished by the Board since this Bylaw was put in place in May 2017. Board members noted the public survey, public presentations at Board meetings, and awaiting the State regulations. C. Luck is of the opinion that by the time a bylaw is in place, the marijuana market will have passed by and it will be too late for the Town to gain any economic benefits.

Katey Adams, Williams Drive- Noted that Question 4 of the November 2016 State ballot was to legalize marijuana and she is of the opinion that some people may have voted yes simply because they wanted it decriminalized. She does not support the Town growing its economy on drug use.

(iv) (Article 13- numbered as such on the draft warrant) - Modifies §250- 6.5.E(1) by inserting the words “a home occupation per §250- 4.2.(4) or” and §250- 6.5.F by inserting §250- 6.5.F(4) to allow some signs By-Right in Commercial Districts.

This Article will be beneficial for existing small businesses. 6.5.F(4) will allow one free-standing sign of twelve square feet or less, twenty-five (25) feet from the front property line, and twenty (20) feet from the side property line. The sign shall not be lighted. If dimensions are other than those noted or the sign is to be lighted, it would require site plan approval.

Jim Laveck, Lancaster Avenue- Asked why no lighting. A. Burney responded that it could be unsafe for passing traffic or have unintended consequences.

David Passios- inquired if the street offsets are from the center of the road. A. Burney responded edge of right-of-way.

(iv) (Article 12- numbered as such on the draft warrant) - Modifies §250- 8.3.C(1) by inserting the number 9 and deleting §250- 8.3.C.(3) and (4) and renumbering §250-8.3.C(5) as §250-8.3.C.(3).

This Article will clean up 8.3. for special permits to make the Planning Board’s timeline identical to those of the Commonwealth’s statute. Under this change, C(1) will specify that the Board of Appeals shall act in accordance with MGL c. 40A, §§ 9, 11, 14, 15 and 16.

David Passios- Inquired if this Article was different than that voted down at Town Meeting May 2018. It was not, and A. Burney felt he may not have made the case sufficiently to provide justification as to why the Bylaw should be altered. D. Passios felt it was inappropriate that this comes up a second time.

K. Chenis made a Motion to close the Hearing, Seconded by T. Cole, all aye.

Hearing closed 9:09 PM.