

Planning Board

Meeting Minutes

April 22, 2024 6PM

Present: Matthew Brenner, Matthew Allison, Amanda Reid, Timothy Willsmer, Richard Harris

Absent: Erik Torgensen, Matthew Brenner attended beginning portion of the meeting

PUBLIC COMMENT

Dave Rodgers, 82 Highland St – Request to poll the Board to allow to say the Pledge of Allegiance prior to meetings. Mr. Rodgers is a Vietnam Veteran and encouraged the recognition of importance in reciting of Pledge of Allegiance.

PUBLIC HEARING

(Proposed) Zoning Bylaw Amendments: Water Supply Protection District and Solar Energy – Battery Energy Storage Systems

728 Goodrich St -Special Permit Application -Shared Driveway

CONSIDER CERTIFICATE OF COMPLETION

317 & 321 Sunnyhill Road – Waiting on As-Builts and Board is not ready to make Decision.

CERTIFICATES OF OCCUPANCY APPROVAL OF PERFORMANCE GUARANTEE

512 Northfield (permitted at 245 Holman) – Performance Guarantee would be between Town and Developer. John Plifka represented Applicant. As-built is waiting for sign off from Graves Engineering. Prolim Development is willing to put up performance guarantee to received certificates of occupancy. Options are for sign off on reasonable performance guarantee. Deadline suggested for completion and final inspection from Graves. M. Allison expressed not being in favor of developers selling property prior to receiving all necessary permits.

Phil Provost, instructed not to construct the rain gardens until the very end. Adam Burney requested that in order to get specialty soils for the season. Rain gardens were functioning and are the only structures and have been completed. Mr. Provost feels blindsided on how to proceed.

R. Harris asked the cost to construct the rain gardens. P.Provost said estimated at \$3,000 with specialty soils. Concern is about plant life-living. Sufficient surety to cover to re-do the rain garden. R. Harris estimates \$5,000 guarantee.

P.Provost questioned mechanisms in place from a building perspective regarding seasonal sureties and how long Performance Guarantee lasts? R. Harris said 6 months time in order to evaluate the livelihood of the plants.

Once Graves Engineering signs off on as-builts, agrees with cost of building of rain gardens then performance guarantee would be accepted.

T. Willsmer Made Motion to authorize the interim land use director sign off on occupancy permit subject to conditions, graves approved site, GEI submits final inspection report and finds site is satisfactory completed and GEI approved the proposed Guarantee for \$6,000 for up to 6 months for ensuring plant life is vegetive for Lot 5 at 512 Northfield Rd

430 Mulpus – Work is not completed on Lot 5. M. Allison does not want to approve certificate of occupancy. Question is how to get occupancy permit for Lot 2. T. Willsmer agrees to establish a plan in place in order to consider the Town in the way properties are developed and sold. Question for this lot remains if the Board received a completed checklist of items would that initiate the Board to sign off on a performance guarantee in order for the property to be sold. Items include as-builts reviewed by Graves Engineering and have a cost estimate for remaining work to have Graves complete inspection and confirm amount is reasonable prior to accepting performance guarantee. Work would be completed prior to any certificate of occupancy to be signed off.

Discussion between Board members focused on voting on the specific process in order to obtain certificates of occupancy would include the above listed terms including performance guarantees. R.Harris detailed importance of taking the extra steps in order to protect the Town and Conditions should have been tied to the bylaws and spoke with Building Commissioner agrees. Though, the Decision for the current stormwater permit does not tie the Conditions to current Decision in place for the property in question.

R.Harris told Applicant in order to obtain sign off on certificate of occupancy will need to include the above conditions.

CONSIDER MODIFICATION TO SITE PLAN APPROVAL: 5 Summer St

Modification to existing Permit from Brazilian Restaurant to Indoor Golf & Sports Bar. R. Harris mentioned it would be De Minimis Change by change of use.

T. Willsmer made Motion that the Board agrees this is a De Minimis change and approves change in use as Brazilian Restaurant

CERTIFICATE OF COMPLETION / RELEASE OF PERFORMANCE GUARANTEE:
Consider for Stormwater Permits – 360 Flat Hill Road, 19 and 21 Watt Street

Graves Engineering submitted a completed inspection of lots 1,7 & 8 and all lots were considered consistent with approved plans.

T. Willsmer made Motion to authorize Certificate of Completion and Release of Performance Guarantee. A.Reid Seconded. All, aye.

BOARD DISCUSSIONS:

250-4.13 Solar Energy Systems – Battery Energy Storage Systems

Water Supply Protection District

MINUTES APPROVAL: 2.28.24 Meeting Minutes

COMMITTEE REPORTS:

Master Plan Steering Committee – Idea of setting up large public space. Next public meeting is next month

Open Space Ad Hoc Meeting – no report

Lunenburg Municipal Building Design Committee – No report

Agricultural Commission – Have not formalized application for farmers market. Not able to get a quorum.

Capital Planning Committee – no report

Economic Development Committee – no report

Storm Water Task Force – Brainstorm to connect with other Boards and start getting the word out. T. Willsmer is tasked to investigate if we need redesign of current stormwater bylaws including enforcement.

MRPC – no report

MJTC – Last meeting was discussing budgets and no report.

Meeting Schedule

May 13th; June 10th

T. Willsmer made Motion to adjourn. A. Reid Seconded, all aye. Meeting adjourned 10:00PM

Public Hearing:

728 Goodrich St

Opened 6:05PM

Phil Colmeta, Applicant – Special Permit Application for shared driveway between Lot 1 & Lot 2. Chris Stoddard, Easement is a 40ft wide easement, curved radius' 30ft, slope is less than 2%. Regulations have been met according to Lunenburg Bylaw. M.Allison made note plan is showing 2ft contours.

Public Comment:

Courtney Driver, 708 Goodrich St – Concerns about location. Currently corner is pretty dangerous with 2-way traffic, kids riding bikes, turkey crossing. Right now the lot is pretty inactive. With the 2 lots and more active residents, with more delivery trucks parking in that corner. Drainage is also a concern. Residents are worried ice might build up from the combined driveway.

M.Allison responded with shared concerns. Plan shows that new pavement is 4-6ft further from the curb than what is currently there and grade is being reduced to existing driveway. Concern is appreciated but stormwater is not triggered. Chris Stoddard responded as well confirming the driveway is moving away from that curb and drainage would exit to the grass. Also mentioned if driveways were separated the danger risks would increase. M.Brenner continued to explain update in common driveway bylaw helps increase safety efforts.

Dave Rogers, 82 Highland St – What happens if there is a disagreement between property owners in regard to plowing and maintenance? R.Harris mentioned if there is a shared driveway it would become between the two property owners and by-right would be able to put in their own driveway.

M. Allison mentioned considerable wetlands on one of the lots. Chris Stoddard mentioned lot is well within 100ft buffer zone complying with the WPA.

M. Allison made Motion to close Public Hearing for 728 Goodrich St.

Closed at 6:27PM

**M. Allison made Motion to approve Special Permit Shared Driveway, A.Reid Seconded.
All, aye**

Public Hearing

255 Sunnyhill (Continued)

John Plifka, representing Applicant. Conservation filing for Leominster Rd is still pending and might be more than a month before Conservation approval. 4 Lots on Sunnyhill and proposing 3 buildings. The last Conservation filing, the footprint of the house has been reduced and lot has shifted to the right. T. Willsmer expressed discontent with current stormwater bylaws. R. Harris mentioned there are 2 options. Can continue Hearing until Conservation decides on Lot 5, Board could grant Stormwater Permit excluding Lot 5 with the Condition separate permit to be submitted for Lot 5 at a later date. J.Plifka mentioned submitting separate permit for Lot 5 would not change Stormwater Plan. Both M. Allison and A. Reid requested to wait until Conservation is able to give Decision.

Ed McSweeney, Owners of property. Responding to M.Allison's concerns about encroachment on wetlands. Work on property is over 200ft from the buffer zone and would not come close to wetlands.

J.Plifka made note that they are before the Board today to request to segregate lots 1-3 in order to approve the Stormwater Permit under the condition that Lot 5 is removed.

T.Willsmer prefers separate filings to remove Lot 5. R. Harris noted Public Hearing can be closed and Motion for Decision to Approve Stormwater Permit with the exclusion of Lot 5.

Public Comment:

Dave Rodgers, 82 Highland St – Is that the lot you would access from Leominster Rd? M. Allison responded; fronts on Leominster Rd would have Leominster Rd address. Mr. Patton's driveway is right at the end and entire area is wet. Should not be any building on that lot and would be a travesty for all the reasons mentioned.

Bob Pease, 11 Wintergreen Ct – Conservation Commission Member; Question if lots 4 & 5 did not get approval, would they need to come back for a Subdivision Application? Bob Pease thought Board was discussing ANR and rescinded comment.

R.Harris discussed the approval of Lots 1-3 and anything beyond those limits will require separate filing for Lots 4 & 5.

T.Willsmer made Motion to continue Hearing to June 10th. A.Reid Seconded. All, aye

7:03PM

Public Hearing

(Proposed) Zoning Bylaw Amendments:

Water Supply Protection District (WSPD)

R.Harris drafted suggestions for the Board to review based off of feedback. Joan Pease emailed feedback and R. Harris made amendments to bylaw for review. Desire from residents to insert Zone 1 permitted uses without need of Special Permit. Language tweaked to allow treatment plant in Zone 2; suggestions of eliminating some of the allowances for contamination remediation and should not be prohibited in the event of water being contaminated. Bylaw has Special Permit requirements that only applies to Special Permits issued. Under Uses and Activities required special permit, construction of treatment facilities in Zone 2.

M. Allison wanted to thank Richard Harris, Annie Aubrey and Joeci Gilchrest who is not longer the Administrative Assistant and now Planning Department is vacant. M. Allison expressed the warrants are not ready to go to Town Meeting..

Joan Pease, 11 Wintergreen Ct – M.Harris summarized the information J.Pease emailed earlier this morning. Definitions – Zone 1: remove last sentence in Definition. Adding Zone 1 back into permitted uses. Maintaining permitted uses. Treatment Facility and Bulldozers in Zone 1. No problem with treatment facility in Zone 2 as long as it is allowed with Special Permit.

R. Harris made note did note could not imagine having a contaminated water supply in Zone 1.

Bill Hannigan, Hannigan Engineering – Providing clarification contamination definition of contamination of surface water and contamination of ground water. Zone 1 well water contamination can still allow a treatment facility 400 ft away from Zone 1 with Special Permit. B. Hannigan will forward reference to Definitions taken from DEP website to R. Harris.

Paul Keating, Leominster resident involved in land that is being discussed. Built the first kill incineration plant used by the state of NY. Comments discuss management. From listening, have enough information to make a decision and is only suggesting in the best interest of the Board to make a decision.

J. Pease – appreciate Mr. Hannigan’s definition and including those definitions and R. Harris remarks the bylaw amendments would be acceptable.

Margaret – concerns are Zone 1. Concern original writing of Water Protection be not removed. Easement allowed passive recreation in Zone 1 . In the past the Lunenburg Water District pumped the well until 2010. Past practices have shown that DEP or Lunenburg Water District did not inflict issues with passive recreation to be allowed in Zone 1 and that protections remain.

Bill Hannigan – amendments to language to Zone 1 that is appealing to residents in Hickory Hills is important and believes the Board has sufficient information in order to make a decision.

M. Allison made note this amendment to the bylaw is in accordance with DEP regulations and more in-line with the updated DEP regulations. Continued to say the amendments went from minor to a bit more detailed and amendment might take as long as the Override.

Bill Hannigan returned to comment that the time to discuss Zoning amendment is not a reason to not take bylaw to Town Meeting. R. Harris commented that he has drafted more substantive amendments than the one drafted before the Board. It was also mentioned that this was brought forward by the state in order to remain compliant with State Laws.

Debbie Richie, 98 Royal Fern Drive – Proposed changes will be different than what they read today? Changes made after warrant being release to the public might cause issues with communication. What harm does it do in the meantime if the Board does not go forward with this bylaw?

Amanda Reid made comments that she is not comfortable bringing warrant to Town Meeting if the Board is not informed about bylaw.

39 Bellvue Rd – Appreciate Board cleaning up this bylaw. Agrees we are not there yet. Proposed some changes to the bylaw to try to put back some of permitted activities in Zone 1. Question for R. Harris if State says activities are permitted that the town cannot say permitted activities are allowed.

R. Harris responded has a model suggested bylaw to use as a guide. Very few communities adopted Ver Batum. As a general rule MA DEP does not like to have public recreation near water supply areas but does not necessarily prohibits recreation activities and is still a local decision to make.

M. Allison made note that surface water pertains to the lake and bylaw affects ground water. Mr. Hannigan mentioned that Hickory Hills is a groundwater source.

T. Willsmer made Motion to recommend no action be taken on this Warrant at Town Meeting. Seconded by A.Reid.

J. Pease questioned if Planning Board makes motion is it possible for someone to continue to push forward? R.Harris said it's unlikely but possible. Suggested to change language of Motion.

Motion was withdrawn.

T. Willsmer made Motion to withdraw article or recommend Town take no action on Warrant for Water Supply Protection District. Seconded by M. Allison, all aye.

SOLAR ENERGY – BATTERY ENERGY STORAGE SYSTEMS

T. Willsmer wanted clarification rush to get bylaw created otherwise bylaw will be written for us? R. Harris corrected that no one would write the bylaw but companies would come in and create solar energy battery storage systems and not have any bylaws regulating them.

M. Allison discussed with Board if any comments on warrant article.

T. Wilsmer made motion to close public hearing. A. Reid Seconded.

Public Hearing Closed 8:35 PM

Deliberation: M. Allison ensures there is a standard and bylaw was created by meeting with Fire, Police and research from other communities.

Amanda Reid Made Motion to make recommendations at Town Meeting to adopt warrant including scriveners error discussed today. T. Willsmer Seconded, all aye.

