

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

Matthew Allison, Chair  
Damon McQuaid, Vice Chair  
Gregory Bittner, Clerk  
Kenneth Chenis, Mbr.  
David Prokowiew, Mbr.



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Adam R. Burney  
Land Use Director

Minutes  
Public Hearing  
274 Prospect Street (cont'd)  
February 27, 2017

Meeting Posted: Yes

Place: Town Hall, 17 Main Street, Lunenburg, MA

Time: 7:04 PM

Present: Matthew Allison, Damon McQuaid, Gregory Bittner, David Prokowiew, Adam R. Burney

Absent: Kenneth Chenis

(The continuations of this Hearing to January 23 and February 13, 2017 were postponed due to Board meeting cancellations as a result of inclement weather.) The Hearing is to hear and discuss applications for special permit under Section 4.12. Lake Whalom Overlay District and site plan approval under Section 8.4. of the Protective Bylaw of the Town of Lunenburg for a 22-unit townhouse development at 274 Prospect Street, Map 98, Parcel 10.

The Applicant was represented by Wesley Flis, Whitman and Bingham Associates (WBA). WBA letter dated February 27, 2017, subject: Request to Withdraw Without Prejudice was presented to the Board. W. Flis noted there have been some documents from Town Counsel and the Building Commissioner submitted to the Planning Board since the last Hearing, and after reviewing those documents, the Applicant wants to withdraw his application. A. Burney added that the Applicant wants to assess their options for the site. The application is 38 days into the 90 day timeclock taking into account continuances from the original Hearing date of September 12, 2016.

D. McQuaid had issues with a Withdrawal without Prejudice due to what the neighbors have been through over the past two years. W. Flis responded that the original letter from the Building Inspector is a lot different than the letter from Town Counsel and that if the Applicant had been aware of Town Counsel's opinion earlier, they probably would not have submitted for Site Plan Approval. A. Burney emphasized that this is not the same Applicant that submitted the previous application. This would be the third continuation on this application, but now the Applicant is asking to withdraw. This application was originally heard on September 12<sup>th</sup>, continued to October 24<sup>th</sup>, continued to January 23<sup>rd</sup> but due to inclement weather and meeting cancellations, this has been the first time the Applicant has been back before the Board. Town Counsel's opinion has not yet been discussed by the Planning Board.

Motion, D. McQuaid, to accept Withdrawal without Prejudice, Second, G. Bittner, discussion- G. Bittner recommended the Board not take action tonight as he feels the need to speak with Town Counsel, and to discuss the Withdrawal without Prejudice at the next Board meeting. D. McQuaid withdrew Motion. W. Flis noted that Town Counsel's opinion would not change their position. **Motion, G. Bittner, to take no action, reschedule to next meeting, invite Town Counsel and Applicant to attend for discussion, Second, D. Prokowiew, discussion- D. McQuaid notes that this will prolong the process, Roll Call Vote- D. Prokowiew, aye; G. Bittner, aye; D. McQuaid, nay; M. Allison, aye. Vote passed, 3-1.**

Hearing recessed 7:15 PM.

Documents used at meeting:  
WBA letter dated 2/27/17 re Request to Withdraw Without Prejudice

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