

TOWN OF LUNENBURG

Office of the Planning Board

Matthew Allison, Chair
Tanner Cole, Vice Chair
Paula Bertram, Clerk
Matthew Brenner, Member
Erik Torgersen, Member



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Adam R. Burney
Land Use Director

Marjorie J. Boggio
Administrative Assistant

Minutes
December 14, 2020

Meeting Posted: Yes
Time: 6:30 PM

CALL TO ORDER: Roll Call conducted by Adam Burney, Land Use Director: Matthew Allison, present; Tanner Cole, present; Paula Bertram, present; Matthew Brenner, present.
Absent: Erik Torgersen

A. Burney prefaced the meeting with the following reading. In accordance with the requirements of the Open Meeting Law, please be advised that this meeting is being recorded and broadcast over the LunenburgAccess channel. The meeting of the Planning Board is being conducted remotely. The Town of Lunenburg, in response to the COVID-19 (Corona Virus), is currently following the guidance from the Lunenburg Board of Health, Massachusetts Department of Public Health and the CDC regarding the virus and steps communities can take to prevent the spread. All town facilities are currently closed to the public and open by appointment only. In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A, Section 20, all public meetings are being conducted remotely. The Governor's Order, which you can find posted on the Town's website COVID-19 Information Center page, accessed through the Town Manager's webpage allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment. For this meeting the Planning Board is convening by video conferencing via Zoom as posted on the Town's website. The public may join using a smart phone, tablet or computer, go to zoom.us and enter the meeting ID number or call 888-475-4499. The meeting ID for this meeting is: 86118768002. Please note that this meeting is being recorded and that some attendees are participating by video conference. Accordingly please be aware that other folks may be able to see you and take care not to screen share your computer. Anything that you broadcast may be captured by the recording.

PUBLIC COMMENT: A. Burney reiterated that Town offices are once again closed to the public; open by appointment only.

ANR PLANS:

318 & 384 Howard Street- The applicant, Kevin O'Brien, O'Brien Homes Inc. presented the ANR Plan at the November 23, 2020 Board meeting. At that time, the Board requested a letter/agreement that K. O'Brien had with the Haley's at 384 Howard Street. Both that letter and the Deed from 2008 were furnished to the Board subsequent to the meeting on the 23rd. The documents indicated that K. O'Brien owned the property through the initial Board approvals for the subdivision, then subsequently sold the property while the subdivision was in litigation, which included the boundary adjustment agreement as part of the purchase. The Deed and letter indicated that K. O'Brien would complete the boundary adjustment agreement at the end of the subdivision approval process. **P. Bertram made Motion to approve the ANR Plan, M. Brenner Seconded, T. Cole commented that when the subdivision went through final site plan approval K. O'Brien did not own the land currently being subdivided under this ANR. The subdivision plans that the Board previously signed depicted property that K.**

O'Brien did not own. K. O'Brien responded that when the subdivision was approved, he did not own any of the land; it was under a purchase and sales agreement. The subdivision plan was approved and then he closed with the previous owners. **Roll Call Vote- T. Cole, abstain; P. Bertram, aye; M. Brenner, aye; M. Allison, aye. Vote passed with 3 in favor, and 1 abstention.**

250 Howard Street- Applicants Cesira Newcomb and Joel Normandin purchased the property and under a Tri-Partite Agreement would be donating ~3 acres of land to the town. The applicants would be building a single family home on the remaining land. **P. Bertram made Motion to approve the ANR Plan, T. Cole Seconded, Roll Call Vote- T. Cole, aye; P. Bertram, aye; M. Brenner, aye; M. Allison, aye. Vote passed 4-0.**

WAIVER REQUEST FROM SITE PLAN APPROVAL: 88 Massachusetts Avenue- Applicants Staci and Bill Halkiadakis purchased the property with the intent of dividing the building interior from three into five units for retail use. The Zoning Board of Appeals had granted a special permit for the use. Due to the change in use, the next step would be site plan approval from the Planning Board; from which the applicants were seeking a waiver. There would be no exterior alterations to the building. They also leased a section of abutting land for parking to conform to the bylaw. Two long-term businesses already occupied the building in Units 4 and 5; a barber shop and a pottery business. Unit 1 was not included in the parking calculations as a retail cannabis business had expressed interest which could require different parking accommodations. A. Burney suggested that Unit 1 be excluded from the discussion as the retail cannabis business would undoubtedly involve a lengthy approval process. M. Allison questioned excluding a portion of the building from the site plan approval process. A. Burney responded that the Board could condition a return before the Board for Unit 1. The applicants informed the Board that interest was expressed in Unit 2 for a pickup/delivery pizza business and Unit 3 for a nail salon. The 12 parking spots at the rear of the building were anticipated for staff parking and would be one-way traffic, exit only, as there were only 14 ½ feet of aisle width. The Board had concerns with adequate parking on site and vehicular passage around the back of the building. The Board questioned what exactly the applicants were seeking; approval for the current parking situation for the creation of Units 2 and 3. T. Cole was of the opinion that the applicants should go through site plan approval, with each unit being approved for a defined use. In the future, any use that fell within that specified category would not have to return to the Board. The applicants questioned if they could continue separating the units and then the individual tenants come before the Board. A. Burney noted that the Zoning Board of Appeals special permit was for a shopping center, for all the units functioning as one building. T. Cole asked that the applicants return to a Board meeting with defined uses, e.g. retail, service. If the retail cannabis business came to fruition, it would have to come before the Board for a special permit and the site plan would have to be amended. The Board questioned the amount of required parking. The building was ~6,900 SF. Based on the units' square footage and the uses, 17, 232 SF of parking would be required. T. Cole felt there were a lot of concerns that needed to be addressed, e.g., width of vehicular aisles, potential uses, viability of all parking spaces. Board members would like the applicants to return to the Board with an engineered plan showing the building on the property lines, layout of parking spaces, access points, distance from the body of water at the rear to the parking lots, what was gravel, what was paved, square footage of each unit, and access around snow storage,

PUBLIC HEARING: 361 Massachusetts Avenue, BrightFarms- see separate minutes

361 MASSACHUSETTS AVENUE, BRIGHTFARMS- Review/Vote on Board Decision- In addition to the Conditions already contained in the draft Decision, the following would be added:

Requirement for a third-party monitor.

Letter from Graves Engineering, Inc. that all outstanding requirements had been met.

Requirement for at least one foot of freeboard from the 100-year storm.

Pope Road would not be used for a construction entrance.

The Board determined construction hours would be 7 AM - 5 PM, Monday through Friday, 8 AM – 4 PM Saturday, no construction on Sundays and federal or state holidays.

P. Bertram made Motion to approve the Stormwater Permit and Site Plan Approval for 361 Massachusetts Avenue with the eleven Conditions as distributed and the four Conditions added this evening by the Board, T. Cole Seconded, Roll Call Vote- T. Cole, aye; P. Bertram, aye; M. Brenner, aye; M. Allison, aye. Vote passed 4-0.

MINUTES APPROVAL:

11/23/2020- P. Bertram made Motion to approve, M. Brenner Seconded, Roll Call Vote- T. Cole, aye; P. Bertram, aye; M. Brenner, aye; M. Allison, aye. Vote passed 4-0.

11/23/2020, BrightFarms- P. Bertram made Motion to approve, M. Brenner Seconded, Roll Call Vote- T. Cole, aye; P. Bertram, aye; M. Brenner, aye; M. Allison, aye. Vote passed 4-0.

COMMITTEE REPORTS:

Storm Water Task Force- no report

Agricultural Commission- no report. Next meeting December 17th.

TCP Building Design Committee- Discussion with the architectural firm regarding costs and finishings.

Open Space Ad Hoc Committee- Met with Al Futterman from the Nashua Watershed Association for overview of forest legacy program. The Program allows communities to come together to conserve land. The Committee discussed the possibility of adding trail and town property layers to the existing GIS website. It recommended that the Town not exercise its right of first refusal for 360 Flat Hill Road. Continued to review town-owned property list to see what properties might meet the open space criteria.

Capital Planning Committee- no report

MRPC- Progress made on the conservation lands mapping project.

MJTC- Upcoming shared winter streets and spaces grant was noted; January 5th due date. The State has 10M in funding for small, meaningful projects, e.g., outdoor dining. Funding available through May 2021. Trail grants are available for 2021 with a February 1, 2021 deadline for application.

DIRECTOR'S ITEMS:

Master Planning- Population projections received from Donahue Institute and distributed to Board members. Once the 2020 census is released, in approximately 3-4 years, Donahue Institute would be willing to plug those numbers into the projections.

Green Leaf Botanicals- Draft Host Community Agreement submitted to the Town. The Select Board was not planning to take any action on the Agreement until the Host Community Meeting was held after the beginning of 2021.

MEETING SCHEDULE:

December 28- Workshop on Subdivision Rules and Regulations. P. Bertram would not be available.

January 11

January 25

BOARD COMMENT/CONCERNS: T. Cole asked if it would be possible to get full size copies of plans when they are being reviewed by members. A. Burney responded that the Board Rules and Regulations for Site Plan Approval & Special Permits codified 11x17 for the Board. If the Board wanted to revise, a hearing would need to be held. Board discussion to be held at a future meeting.

ADJOURNMENT: P. Bertram made Motion to adjourn, M. Brenner Seconded, Roll Call Vote- T. Cole, aye; P. Bertram, aye; M. Brenner, aye; M. Allison, aye. Vote passed 4-0. Adjourned 9:00 PM

Documents used at meeting:

Minutes:

11/23/2020

11/23/2020, BrightFarms

ANR Plans:

318 & 384 Howard Street

250 Howard Street

Waiver Request, 88 Massachusetts Avenue

Board Decision, DRAFT, 361 Massachusetts Avenue