

TOWN OF LUNENBURG

Office of the Planning Board

Tanner Cole, Chair
Matthew Allison, Vice Chair
Matthew Brenner, Clerk
Erik Torgersen, Member
Amanda Reid, 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
494 Electric Avenue
June 13, 2022

Meeting Posted: Yes
Place: Town Hall, 17 Main Street, Lunenburg, MA
Time: 6:17 p.m.

Present: Matthew Allison, Matthew Brenner, Amanda Reid, Adam Burney
Absent: Tanner Cole, Erik Torgersen

The Hearing was to hear and review an application for site plan approval under Chapter 250 of the Code of the Town of Lunenburg for a freestanding detached structure to serve as outside seating at 494 Electric Avenue. Applicant/owner D&A Lunenburg, LLC, 494 Electric Avenue.

The applicant was represented by Christopher Anderson, Hannigan Engineering. The project had received Zoning Board of Appeals approval for a dimensional variance for the building addition. A tent was erected for seating during the COVID restrictions. As a tent, it was not functional for outside seating during the colder months. The tent was approximately 30 x 60 feet; the new building would be 30 x 50 feet. It would add additional floor area, but not increase seating due to spacing that would be in place.

The following letter was received and read into record. *"We are unable to attend tonight's Lunenburg Planning Board meeting and ask that this communication be read in support of Michael Mohamed, owner of Il Forno Restaurant location 494 Electric Ave Lunenburg, MA, regarding his application to make the tented area of the restaurant a permanent structure. We are the main abutters to this property owning both 480 Electric Ave and 15 Kirby Avenue. Mr. Mohamed has been a collaborative and respectful neighbor. He is a community minded business owner who is considerate of his neighbors and the community he serves. We have agreed in collaboration and at the request of neighbors to fence the back of 15 Kirby Ave between our properties. We are in support of Mr. Mohamed's application. Sincerely, Michael R. and Tammy D. Lovewell, 579 Reservoir Road, 480 Electric Avenue, 15 Kirby Avenue.*

One of the reasons for the requested fencing was due to possible vehicular lights from the restaurant parking lot into 15 Kirby Avenue (residential property).

Linda Perenzin, 20 Pierce Avenue- She was concerned with overflow parking into the residential area. She had cleared a portion of the land across the street from her property for visitors. She went on explain that her water line came from Leominster and the shutoff was located in the portion of the property she had cleared. Patrons to the restaurant were parking there. She was aware that the property didn't belong to her, but stressed that neither did it belong to D&A Lunenburg LLC. A. Burney pointed out that Pierce Avenue was a public way and individuals were not prohibited from parking on public ways.

Michael Mohamed, 494 Electric Avenue (Il Forno)- He stated that he did not have the authority to tell individuals they could not park on Piece Avenue. He offered to erect No Parking signs across from L. Perenzin's property. The Board noted he did not have the authority to erect No Parking signs on property he did not own.

Code of the Town of Lunenburg, Section 250-6.1. Off-street parking and loading areas, required one space per three seats plus one space per employee on the largest shift. The restaurant had 134 seats and 48 parking spaces. Seating capacity was not increasing; only floor space. At the time this project was permitted, parking calculations were based on the number of tables. This section of the bylaw was updated in May 2021.

David Rodgers, 84 Highland Street- Spoke in favor of the application.

M. Allison stated he didn't feel the submitted plan was appropriate for site plan review as the current tent was larger than the proposed permanent structure. He was of the opinion that a plan should be submitted showing the permanent structure and offsets to the property line and existing building.

The Board reviewed the below requested waivers from the *Board Rules and Regulations for Site Plan Approval & Special Permits*.

Section 3.7- Review by Consultants

Section 4.1 h- Impact Reports

Section 4.1 f 2)- Plan prepared at a scale of 1"=40'

Section 4.1 f 8)- Showing existing and proposed utilities

Section 4.1 f 16)- Existing significant trees

Section 4.1 f 20)- Traffic data

Section 4.1 f 22)- Photometric plan

Section 4.1 f 23)- Architectural elevations

The Board requested erosion/sedimentation controls. The applicant would provide live loading for the soils. The front of the site drained towards Electric Avenue. A silt sack would be provided in the first catch basin. Board consensus was to waive requirement for construction details and erosion and sedimentation controls.

M. Brenner made Motion to approve waiver requests for Impact Reports, 40 scale plan, utilities, significant trees, traffic, photometric and architectural, A. Reid Seconded, passed unanimously.

M. Brenner made Motion to waive peer review, A. Reid Seconded, passed unanimously.

The Sewer Commission was waiting for confirmation from the Building Commissioner that there wouldn't be an increase in sewer flows. As this had not yet been received, A. Burney recommended the Board Condition approval of the site plan on 134 seats.

A waiver was also requested from the requirement for the horizontal datum being Massachusetts State Plane, North American Datum 1983 and the vertical datum being North American Vertical Datum 1988 [part of Section 4.1 f 2)]. **M. Brenner made Motion to approve waiver, A. Reid Seconded, passed unanimously.**

The Board requested the applicant provide a site plan showing the proposed permanent structure and offsets to the property line and existing building.

M. Brenner stressed to any residents that if they had a problem with the parking situation, e.g., patron parking on the accepted public ways, they needed to approach the Select Board as the Road Commissioners.

M. Brenner made Motion to continue the hearing to June 27th, 6:05 p.m., A. Reid Seconded, passed unanimously. Hearing recessed 7:30 p.m.