

TOWN OF LUNENBURG

Office of the Planning Board

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Adam R. Burney
Land Use Director

Marjorie J. Boggio
Administrative Assistant

Minutes
September 26, 2022

Meeting Posted: Yes
Place: Town Hall, 17 Main Street, Lunenburg, MA
Time: 6:00 p.m.

Present: Matthew Allison, Matthew Brenner, Adam Burney
Amanda Reid and Erik Torgersen (departed 9:53 p.m.) participated remotely under the OML Simple Extension Legislation.

ANR PLAN: 245 Holman Street, Lots 3 and 4- Plan presented by Ed McSweeney, Bray Ave 9, LLC. Lots 3 and 4 were created by ANR Plan endorsed by the Board August 14, 2020; filed with the Registry, Book 531, Page 20. In going before the Conservation Commission, it was determined that the driveway was located slightly within the 50 foot buffer zone. Tonight's ANR Plan adjusted the lot lines by approximately nine feet. **M. Brenner made Motion to approve the ANR Plan for 245 Holman Street, Lots 3 and 4, E. Torgersen Seconded, Roll Call Vote- E. Torgersen, aye; A. Reid, aye; M. Brenner, aye; M. Allison, aye.**

Below topics taken out of order

PUBLIC HEARINGS:

245 Holman Street- See separate minutes. The Modification to the Stormwater Permit would incorporate the Conditions from the Stormwater Permit dated July 25, 2022. **M. Brenner made Motion to approve the Stormwater Permit Modification, incorporating all Conditions from the Stormwater Permit, A. Reid, Seconded, Roll Call Vote- E. Torgersen, aye; A. Reid, aye; M. Brenner, aye; M. Allison, aye.**

260 Falulah Road- The applicant requested a continuance to October 26, 2022.

COMPREHENSIVE PERMIT APPLICATION: Pond View Commons, LLC, Howard Street- The Board reviewed the comprehensive permit (40B) application paying particular attention to the requested zoning waivers as they pertained to the 2019 Board-approved Subdivision plans. A. Burney would clarify with town counsel that the waivers were applicable to only the nineteen acres contained within the 40B application. The 40B modification to the Subdivision would be the erasure of the individual lot lines, which would create two large parcels for the 40B and the modification of one road to eliminate a cul de sac and introduce a curve. As allowed by the 40B application, the applicant modified the approved Subdivision plan, revising lot lines and layout of the subdivision ways. The Board expressed concern with the proposed building height of 65 feet; due both to the maximum height zoning requirement of 38 feet and the anticipated lack of privacy to abutting private homes. M. Brenner was concerned that the individuals residing in the 40B would drive on the road as if it were a high-speed road and not residential. This would also cause a decrease in the pedestrian traffic. There were concerns with the narrowness of the road and the safety of children playing in the neighborhood. Four hundred two (402) parking spaces were being allotted for the 200 apartments. A. Reid felt that was underestimated. Members recommended that the Zoning Board of Appeals (ZBA) vote on all waiver requests individually.

The applicant had requested a waiver of the following conditions of the Subdivision Decision:

Conditions 2 and 3 to the extent they suggested a prohibition against the construction/occupancy of multi-family residential buildings. Condition 4 covered the bond requirement for the Subdivision road. The subdivision roads would service the three large buildings proposed in the 40B. At some point in the future, the applicant could possibly want to turn the roads over to the Town. The land was currently under the covenant of the Subdivision. In order to obtain building permits and financing the lots would need to be released. A. Burney was under the impression the applicant was asking to skip the placement of surety and get the lot releases for the lots covered under the 40B. Condition 5 required the applicant to obtain any permits, licenses, or approvals required by the Subdivision. Condition 6 stated that the applicant would not get a building permit without approval by the Board of Health. That would be superseded by the introduction of a sewer system. Condition 7 covered the requirement for Conservation Commission approval. Condition 8 required the applicant to maintain the Subdivision roadways, utilities and stormwater management facilities, until the Town accepted the roadways. Condition 9 required the roadways to be accessible at all times via plowing, sanding and other repairs. Condition 10 specified emergency vehicle accessibility for single-family dwellings. There would be no single-family dwellings in the 40B. Condition 11 specified hours of construction. Condition 12 allowed for site inspection by Town officials to ensure compliance with the Conditions of the Board's approval. Condition 13 called for a pre-construction conference with various Town officials. Condition 14 required the applicant's compliance with any Town permit, license, approval, etc., prior to construction within the subdivisions. A. Burney stressed to Board members that the building permit would not get issued without the preceding compliance to Condition 14. It would be recommended to the ZBA that a condition specify the applicant's compliance with any Town permit, license, approval, etc., prior to construction within the 40B. Condition 15 required adherence to all Town bylaws, rules, regulations applicable to subdivisions. The importance of the above Conditions would be stressed to the ZBA. It would be up to the ZBA as to how these necessities were incorporated into the 40B. Condition 18 defined "applicant" and that the Decision would be binding and enforceable against same. Condition 19 specified that any violation of the Planning Board's Decision would cause rescission, modification or amendment of the Board's Subdivision approval. Condition 20 referred to a Board of Health letter, which stated the developer would be required to have subsurface soil absorption systems and potable water. Condition 24 required phasing of the subdivisions. Condition 25 was the conveyance of land to the Town for conservation purposes. The conveyance would be required prior to the issuance of any building permits. Condition 26 covered a land conveyance to the Town for access to the Town Forest. Again, this had to take place prior to any building permits. The land conveyances laid out in Conditions 25 and 26 would take place at the north end of the Subdivision. The portion in #25 was approximately 40 acres and contained the headwaters of the Mulpus. In #26 it was a small parcel leading from the approved rights-of-way to the Town Forest to the north and west of the development. This would allow the Town greater access to lands it currently owned. A. Burney stressed that neither of the parcels were located within the 40B site; therefore, he did not understand why the applicant requested a waiver. This would be stressed to the ZBA. M. Brenner noted that the applicant had agreed to convey land to the Town prior to any construction. The 40B should not change that conveyance. Condition 28 covered the construction of age-restricted homes/lots within the subdivisions. M. Allison recalled with the Subdivision's approval the Board wanted to front-load construction of the age restricted homes in the event the applicant was unable to build out to maximum capacity.

A. Burney would prepare a memorandum to the ZBA. As the Board did not have a scheduled meeting prior to the ZBA's continuation, two Board members would individually review the memorandum to ensure A. Burney had covered the Board's salient points. A. Burney would include stormwater guidance in the memorandum. **M. Brenner made Motion for Land Use Director Adam Burney to write a memorandum to the ZBA containing all salient points the Board discussed and prior to sending to the ZBA, two Board members would review and approve, A. Reid Seconded, Roll Call Vote- A. Reid, aye; M. Brenner, aye; M. Allison, aye.** Board consensus was that A. Reid and M. Brenner would review the memorandum.

BOARD DISCUSSION:

Section 250-6.4., Driveways & Entrances- Tabled

Northfield Road, Parks Commission Property- The Board was in receipt of correspondence from Ana Lockwood, Chair of the Lunenburg Park Commission. For the benefit of the audience, the letter was read into record. Lunenburg anticipated a project for 361 Massachusetts Avenue, but to date there had not been a formal application. 361 Massachusetts Avenue abutted a Lunenburg Park property at 961 Northfield Road. The Park Commission would like the Planning Board to negotiate for an easement access from 361 Massachusetts Avenue to 961 Northfield Road for the benefit of town residents. Not knowing how

Lufa Farms (the proposed project) would respond, A. Burney responded that it could depend on various factors, e.g., layout of the project, location of the fields and buildings, etc. As the proposed project was anticipated to be both an indoor and outdoor grow, with heavy machinery there would be a concern for pedestrian traffic via the easement. A. Burney would put the proposal forth to a project representative. An additional complication would be that Lufa Farms would be utilizing an access easement through the Hannaford and WalMart plaza on Massachusetts Avenue. Future problems could be the maintenance and upkeep of the access easement.

Brooks House, APDC Inquiry- The Board was in receipt of correspondence from Cullen Dwyer, Chair of the Architectural Preservation District Commission (APDC). Tony Sculimbrene, speaking on behalf of the APDC, noted that the APDC viewed the Brooks House on Massachusetts Avenue as a significant contributor to the historic character of the Architectural Preservation District (APD). The APDC was asking the Board for various options for utilizing the Brooks House. The APDC's letter proposed various options, e.g., turn back into a single family house, relocate the building, utilize as a commercial building, etc. T. Sculimbrene asked the Board if it had knowledge as to why the Brooks House was located apart from other residential properties in the vicinity. A. Burney believed that the Brooks House was a farm at one time with the land that the school now sits on being farmland. Before the Town made a decision to demolish the house, the APDC wanted to make sure all possibilities were considered. A. Burney would respond to the APDC's letter providing the options from a zoning perspective. Chair Cullen Dwyer arrived at the end of the discussion and reiterated what R. Sculimbrene had stated.

DECISIONS:

3 Lancaster Avenue, Review and Endorsement- Endorsed

235 Leominster Road, Review and Endorsement- Endorsed

MINUTES APPROVAL: All minutes Tabled

9/12/22-

9/12/22, 3 Lancaster Avenue-

9/12/22, 235 Leominster Road-

COMMITTEE REPORTS: All Committee Reports Tabled.

Open Space Ad Hoc Committee-

Lunenburg Municipal Building Design Committee-

Agricultural Commission-

Capital Planning Committee-

Economic Development Committee-

Storm Water Task Force-

MRPC-

MJTC-

MEETING SCHEDULE:

October 10- No meeting. Columbus Day/Indigenous Peoples' Day

October 24- Warrant Article Hearing

ONGOING ITEMS:

Zoning for MBTA Communities-

Zoning, Infrastructure and Master Plan-

Pond View Commons, LLC- See above *Comprehensive Permit Application*.

Special Town Meeting, November 15th- Zoning articles were submitted for the warrant.

Records Storage – LMBDC

ADJOURNMENT: M. Brenner made Motion to adjourn, A. Reid Seconded, Roll Call Vote- A. Reid, aye; M. Brenner, aye; A. Reid, aye. Adjourned 10:23 p.m.