

TOWN OF LUNENBURG

Office of the Planning Board

Matthew Brenner *Chair*
Timothy Willsmer *Vice Chair*
Amanda Reid *Clerk*
Matthew Allison *Member*
Glenn McLeod *Member*



Tel: (978) 582-4146, opt. 5
Fax: (978) 582-4353
960 Massachusetts Ave
Lunenburg, MA 01462

Christopher Reilly – Land Use Director
Logan O'Connell – Admin Asst.

MINUTES 2025-03-10

MEETING POSTED: Yes

ADDRESS: Town Hall – 17 Main St, Lunenburg, MA 01462

TIME: 6:00 P.M.

PRESENT: Matthew Brenner (Chair), Timothy Willsmer (Vice Chair), Amanda Reid (Clerk), Matthew Allison*, Glenn McLeod*.

* -- Absent for part of meeting due to Citizens' Caucus overlap.

ABSENT: None

CALL TO ORDER / PLEDGE

Matthew Brenner called the meeting to order at 6:00 P.M. The pledge of allegiance was led by Matthew Allison. **Glenn McLeod** absent until later in meeting due to Citizens' Caucus.

PUBLIC COMMENT

None at this time.

CHAIR / DIRECTOR'S REPORT

None this week.

APPOINTMENTS

Anthony Sculimbrene – volunteering for Master Plan Steering Committee (MPSC)

M. Brenner invited **Anthony Sculimbrene (5 Island Rd)** to present his background: retired Civil Engineer, involved in restoration of historic buildings in City of Dayton. Current Chair of Lunenburg's Architectural Preservation District Commission.

The Board confirmed that an at-large position on the MPSC was available. **M. Allison** complimented A. Sculimbrene's work with the Municipal Building Design Committee & vouched for his appointment.

Motion: T. Willsmer, approve A. Sculimbrene for an open at-large position on the MPSC.

Second: A. Reid.

Vote: Voice vote, passed unanimously.

APPROVAL NOT REQUIRED (ANR) PLANS

255 Sunny Hill Rd (PANR-2025-04)ⁱⁱ

Brian Marchetti (McCarty Engineering) presented for applicant Stefan McSweeney / MN 122 Main, LLC. Site was subdivided around 2024 & currently has 5 lots. Board recently approved Stormwater Management Permit for lot 1 (see [PBSW-24-8](#) on OpenGov). Intent is to incrementally subdivide lower section of Lot 2 through repeated ANRs. No changes to Lot 3 or the upper half of Lot 2.

The Board reviewed the plans.

Motion: T. Willsmer, to endorse the ANR for 255 Sunny Hill Rd.

Second: A. Reid

Vote: Voice vote, passed 3-0-1 (M. Allison no).

M. Allison confirmed with **C. Reilly** that only 3 signatures are needed for endorsement.

DE MINIMIS CHANGE

494 Electric Ave – Site Plan Approval (SPA), 2022

Atty. **Jeff Avini** presented for applicant D&A Lunenburg, LLC. Applicant seeking modificationⁱⁱⁱ to Site Plan Approval granted June 2022 (Worcester North Registry of Deeds book 10400 pg 75) to add a new 19'x8' canopy between the primary & auxiliary structures for protecting patrons & employees from elements. Was previously taken down at request of Building Commissioner since not in June 2022 Site Plan.

M. Brenner explained for public: canopy included in other applications that are active but severely delayed (see [PBSA-24-4](#), [PBSW-24-1](#) in OpenGov). Changing this small aspect of 2022 plan avoids those delays.

The Board briefly discussed and agreed this request was de minimis.

Motion: M. Allison, approve the de minimis change as-presented.

Second: T. Willsmer.

Vote: Voice vote, passed unanimously.

711 Mass Ave – SPA, 2021^{iv}

C. Reilly explained – Planning Office was contacted by the property owner & developer to schedule closing for some units, requiring a certain level of completion at the site (provided through an *as-built* plan). During review, enough minor discrepancies were found to merit explanation / request for de minimis change from applicant.

Daniel Sheehan (Haley Ward) presented for applicant FWP Realty Partners, LLC. Foundations were set few inches lower than original plan during construction / stormwater drainage basin outlets were installed lower than approved plans. Proposal includes minor grading adjustments to ensure drainage function & preserve original design intent, installation of two reducers to the outlet pipes. Acknowledged comment from Building Commissioner that proposed rip-rap swale encroaches on snow storage.

The Board briefly discussed the snow storage impacts. **M. Allison** noted the minimal clearance between unit 8 & the eastern rip-rap wall on proposed plan^v.

C. Reilly asked about the proposal's below-ground stormwater impacts & explained that concerns can be addressed with written documentation (i.e. an engineer's certification that the proposal meets the

conditions that were approved). The Board discussed and preferred a full peer review of the proposal over a simpler engineer certification.

Motion: M. Allison, require \$1,000 from applicant for peer review of amended stormwater design.

Second: T. Willsmer.

Vote: Voice vote, passed unanimously.

Motion: A. Reid, continue this item to 2025-03-24.

Second: T. Willsmer.

Vote: Voice vote, passed unanimously.

PUBLIC HEARINGS

494 Electric Ave – SPA, Stormwater Management Permit (SMP) (cont. from 2025-02-24)

J. Avini presented for applicant D&A Lunenburg LLC. Updated turning radii were recently submitted.

Discussion began with Pierce Ave's legal ownership. Town Counsel still hasn't responded.

C. Reilly doubts the Board's ability to oppose the applicant's ownership claim without the having Town Counsel's response as the basis.

M. Allison and J. Avini discussed possible adjudication of Pierce Ave's ownership by Land Court. J. Avini opined it's not necessary as the road is a public way, M. Allison opined that would invalidate the application. Per M. Brenner, Town Counsel's first reply to the Board didn't mention incompleteness and the Board can only work with what it's given.

Discussion became contentious & M. Brenner paused it, requiring the rest of this item's discussion through the chair. M. Allison opined the Pierce Ave ownership anomaly raises more urgent concerns than business permitting (i.e. residents, DPW infrastructure), which the Town has an obligation to address first. Believes application's intent violates parking bylaw, which requires single-lot parking. Left the meeting for Citizens' Caucus at 6:43 P.M.

J. Avini responded: while the Town previously voted to "accept" the road as a public way, a legal "taking" requires either (1) an eminent domain action or (2) a voluntary conveyance by the road's developer via deed. Since the applicants' title search through Atty. Joe Pellegrini found neither, the title to the road remains with the applicant for the portion of frontage along their property, so the lots on each side merge. Emphasized ownership claim's intent is for project permitting only: Derelict Fee statute prevents applicant from blocking the road. Town has no reason to stop maintaining road's infrastructure (e.g. signage, crosswalk, sewer); applicant intends to grant Town a permanent easement over it.

M. Brenner invited public comment.

Michael Lovewell (579 Reservoir Rd) asked who owns the rest of Pierce Ave if the applicant owns the frontage. Per M. Brenner, although people who have frontage on Pierce "own" approximately to the middle of the road, the Town controls it, paves it, & has right-of-way. Land on separate sides of a road normally can't be considered *one* parcel, but the ownership anomaly may cause that at the project site. J. Avini clarified the applicant *only* claims to own the area directly between their parcels on each side of Pierce Ave (*not* the entire road) due to Derelict Fee statute.

M. Brenner emphasized that the Board's decides on the *application*, not the road's ownership, and that it can only act on the provided information (which currently lacks Town Counsel's input). Opined that if the Board's decision were later invalidated it wouldn't impact other residents on the road.

Ryan Stober (Pierce Ave) voiced frustration the procedural impact of Town Counsel's absence.

C. Reilly noted that (1) the Town's *acceptance* of the road indicates that its construction met the standards at the time (1902), and (2) the road was paved 3 years ago / is in decent condition today. Emphasized reasonable assumption that the Town continues maintaining the road & the applicant will have ability to use it as they've proposed.

A. Reid acknowledged the applicants' frustrations & asked about Board's ability to approve "with reservations". **C. Reilly** explained – although the Board could explicitly condition the approval subject to legal resolution of the road, it must provide *some* kind of deliberation & decision for applicant to act on.

T. Willsmer agreed applicants were within their rights based on information provided.

M. Brenner and **C. Reilly** discussed special conditions & preparations to have a draft decision for next meeting. Will likely include (1) easement to Town for access across Pierce Ave, (2) 6-month review to assess need for additional mitigation, (3) validity subject to confirmation that applicant has legal rights to use Pierce Ave in manner they've proposed. **C. Reilly** will workshop draft agreement (for Board's consideration at next meeting) with J. Avini.

Bob Pease (11 Wintergreen Ct) commended Board for moving towards a decision.

Motion: **T. Willsmer, to continue the public hearing for 494 Electric Ave to 2025-03-24 at 6:05 P.M.**

Second: **A. Reid**

Vote: **Voice vote, passed unanimously.**

994 Northfield Rd – SPA (cont. from 2025-02-24)

Applicants (Town of Lunenburg Conservation Commission) requested a continuance to 2025-03-24 meeting via email earlier today.

Motion: **T. Willsmer, to continue the public hearing for 994 Northfield Rd to 2025-03-24 at 6:05 P.M.**

Second: **A. Reid**

Vote: **Voice vote, passed unanimously.**

Some audience were caught off guard by the sudden continuance. **M. Brenner** apologized & clarified a remedy with C. Reilly – Board could still take brief input from the public but *not* deliberate on it.

Michelle Matthews (914 Northfield Rd) lives by Old Stage Coach Rd. Doesn't believe more parking is needed. Concerned about increases in noise / illegal loitering in area, loss of privacy, opportunities to trespass on nearby Settler's Crossing golf course, foot-traffic dangers on Northfield Rd.

Katlin Weiner (939 Northfield Rd) also concerned. Proposed parking is directly across her residence, currently has issues with public parking at end of her driveway to access trails. Concerned about increased foot traffic on road / potential for flooding. Echoed golf course concerns including potential car damage.

Bob Pease (11 Wintergreen Ct) worked on this project during Conservation Commission membership. Parking at similar Conservation properties scarce on weekends. Site's existing parking across the road intended as a stop-gap used to get the grant that funded part of site's purchase. Opined new parking lot would *reduce* foot-traffic on Northfield Rd. Believes taking any testimony outside of the Public Hearing isn't proper procedure.

213 Electric Ave – SMP (cont. from 2025-02-10)

Daniel Sheehan (Haley Ward) presented on behalf of applicant Red Bird Construction, Inc. Revisions based on Graves Engineering Inc (GEI)'s feedback^{vi} were incorporated (moving clay dams, adding extra notations, performing on-site soil testing). Noted an easement for Tennessee Gas clips into lot 5 / is shown on revised plans^{vii}. Was unable to complete on-site soil testing to full depth in certain locations but offered to dig confirmatory test pits during construction. Noted draft condo deed documents were included per M. Allison's previous concerns about deed-recording maintenance requirements.

The Board discussed & opted to wait for GEI's feedback on the soil testing / likely require condition for confirmatory test pits during construction.

Motion: **T. Willsmer, to continue the Public Hearing for 213 Electric Ave to 2025-03-24 at 6:05 P.M.**

Second: **A. Reid**

Vote: **Voice vote, passed unanimously.**

DECISIONS

The Board began reviewing decisions for 558 / 560 Goodrich St (SMP)^{viii}, 255 Sunny Hill Rd (SMP)^{ix}, 801 Northfield Rd (SPA)^x, 110 Pleasant St (SPA)^{xi}. Goodrich St & Sunny Hill Rd's decisions were both deferred for revisions at previous meetings.

M. Allison returned from Citizens' Caucus at 7:55 P.M. **G. McLeod** arrived as well.

(Out of order): The Board briefly discussed requiring a construction entrance for 801 Northfield Rd relative to Scenic Road impacts; agreed it couldn't apply here since vote had passed but was good to include in revised SCs.

The Board discussed including a condition requiring deed-recording of the SMP systems' maintenance requirements. **C. Reilly** clarified – that was only included two most recent decisions (801 Northfield / 110 Pleasant St) since issues with Standard Conditions (SCs) were identified prior. Unable to find a motion & vote outlining the SCs in previous meetings: information was lost due to staff turnover & no clear "official" set of SCs was maintained. Had found 3 sets of SCs from Interim Land Use Dir. Richard Harris; sent them to M. Brenner prior.

M. Allison not comfortable signing Goodrich / Sunny Hill Rd decisions due to SC discrepancy. **M. Brenner** opined internal issues shouldn't impact applicant. **M. Allison** opined impact of additional meetings' delay is smaller than impact of absence of maintenance requirements on these properties' deeds *in perpetuity*.

C. Reilly emphasized need for clarity on Board's official SCs going forward.

The Board discussed options for proceeding. Copy of SCs referenced by M. Allison currently missing, could be searched for to "verify". Two recent ANR developments (360 Flat Hill Rd, Corner of Northfield Rd & Holman St) include the deed-recorded maintenance requirements condition per M. Allison.

The Board:

1. endorsed the decisions for 801 Northfield Rd & 110 Pleasant St
2. deferred the decisions for 558 / 560 Goodrich St & 255 Sunny Hill Rd pending review of the 3 sets of SCs noted earlier.

BOARD DISCUSSIONS

100 Townsend Harbor Rd (Right of First Refusal)

Per **C. Reilly** – no major input from Planning Board at last meeting, this was relayed to Select Board for their purposes. Per **G. McLeod** – Open Space Committee still hadn't taken formal vote. C. Reilly helped educate on Chapter 61/A/B removal process. Need to refine current practices into future Planning Board SOPs for notifying Open Space Committee.

The Board discussed timeliness of the ROFR process. **G. McLeod** supported giving public a chance to vote on acquiring property the Town has "invested in" by not collecting taxes from it. Board acknowledged lengthy sale process as a consideration for chapter-land's tax benefits.

Standard Operating Procedures

Requested by M. Allison – need to clarify Standard Conditions across all Planning Board's permits. Suggested having both Standard Conditions (which always apply) and a list of common Special Conditions (to apply as needed).

Per **C. Reilly** – last set of available *approved* SOPs is dated 2016, also found a draft / redlined copy dated 2021 which he'll forward as basis for creating a new set of SOPs.

M. Allison noted the Select Board's recent discussions about Townwide SOPs & recommended accommodating those if possible.

ZONING WORKSHOP

C. Reilly will attend 2025-03-11 Select Board meeting to present Zoning Amendments^{xii} for Accessory Dwelling Units (ADU) & Flood Insurance Rate Map (FIRM) / Floodplain Bylaw updates.

Board briefly discussed Select Board voting relative to their Town Warrant articles: **C. Reilly** unsure of Select Board's authority to *deny* a Planning Board article from the Warrant, regardless of their vote on *recommending* the article's passage at Town Meeting.

ADU Amendment: Text will be reviewed by Town Counsel. On-the-floor amendments at Town Meeting risk invalidity given State's extremely stringent requirements. Public Hearings and any presentation at Town Meeting will be clear on Planning Board's limited discretion & State's large role in this.

FIRM / Floodplain Amendment: Incentive for adopting Dept. of Conservation & Recreation's model bylaw & updating FIRM map is ensuring Town's eligibility for National Flood Insurance Program (NFIP). Updates to FIRM map will affect approximately 20 houses, Board wants to proactively notify them.

ABUTTING COMMUNITY NOTICES

None at this time.

COMMITTEE REPORTS

Master Plan Steering Committee

Per T. Willsmer – Board had meeting, discussed outline of consultants’ current work, wants to reinstate Finance Committee seat, was dissatisfied with last public meeting’s effectiveness. Wants to get unofficial feedback from all standing Boards & Committees in Town on consultants’ document (to avoid quorum issues). Group successfully reorganized with T. Willsmer as Chair.

Open Space Committee

Per G. McLeod – has not met.

Municipal Bldg. Design Committee

Per M. Allison – had meeting, not very productive / Chair was unavailable. Meeting again on 03-17.

Capital Planning Committee

Per M. Brenner – has not met.

Economic Development Committee

Per G. McLeod – has not met.

Storm Water Task Force

Per T. Willsmer – has not met.

Montachusett Regional Planning Commission

Per A. Reid – State Senator Eldridge presented about Nashoba Valley Medical Ctr. closure / economic impact. Some interest from UMass in building a standalone emergency center.

Montachusett Joint Transportation Committee

Per A. Reid – has not met.

MINUTES APPROVAL

The Board reviewed minutes for 02-19 and 02-24.

Motion: T. Willsmer, to approve 2025-02-19 minutes.

Second: M. Allison

Vote: Voice vote, passed unanimously.

Motion: T. Willsmer, to approve 2025-02-24 minutes.

Second: M. Allison

Vote: Voice vote, passed unanimously.

MEETING SCHEDULE

Upcoming meetings are **03-24** and **04-14** at 6:00 P.M.

PUBLIC COMMENT

None at this time.

BOARD COMMENT / CONCERNS

None at this time.

ADJOURNMENT

Motion: T. Willsmer, to adjourn.

Second: A. Reid

Vote: Voice vote, passed unanimously.

Meeting adjourned 9:04 P.M.

Minutes by Logan O'Connell, Admin Asst.

DOCUMENTS REFERENCED

- ⁱ 2025-03-04 Town of Lunenburg Volunteer Form, Tony Sculimbrene
- ⁱⁱ 2025-02-11 Plan of Land in Lunenburg, Mass Prepared for MN 122 Main LLC, Tauper Land Survey, Inc
- ⁱⁱⁱ 2025-02-25 De Minimis Site Plan Modification 494 Electric Avenue, Hannigan Engineering
- ^{iv} 2025-03-03 De-minimis Change to an Approved Site Plan "711 Massachusetts Ave", Haley Ward
- ^v 2025-03-03 Site Plan for Massachusetts Avenue in Lunenburg, Massachusetts 5-G-238, Whitman & Bingham Associates
- ^{vi} 2025-02-06 213 Electric Avenue Stormwater Management Review, Graves Engineering Inc
- ^{vii} 2025-03-04 Definitive Site Plan for Electric Avenue in Lunenburg, Massachusetts – Haley Ward, Inc
- ^{viii} 2025-01-27 560 Goodrich St Stormwater Management Permit Decision - Town of Lunenburg. See [PBSW-24-6](#) in OpenGov.
- ^{ix} 2025-01-27 255 Sunny Hill Rd Stormwater Management Permit Decision – Town of Lunenburg. See [PBSW-24-8](#) in OpenGov.
- ^x 2025-02-24 801 Northfield Rd Site Plan Approval Decision, Town of Lunenburg. See [PBSA-25-3](#) in OpenGov.
- ^{xi} 2025-02-24 110 Pleasant St Site Plan Approval Decision, Town of Lunenburg. See [PBSA-25-4](#) in OpenGov.
- ^{xii} 2025-02-24 Staff Report - Chris Reilly