

# TOWN OF LUNENBURG

## Office of the Planning Board

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



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Christopher Reilly – Land Use Director  
Logan O’Connell – Administrative Asst

### MINUTES 2024-09-23

**MEETING POSTED:** Status

**ADDRESS:** Town Hall, 17 Main St

**TIME:** 6:00 P.M.

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

**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.

### PUBLIC COMMENT

**Donna Fortune** - the downstairs front door was locked. L. O’Connell unlocked it.

After the Chair / Director’s report **John Brush (100 Royal Fern Dr)** asked about the status of the Master Plan surveys, which he’d filled out. **T. Willsmer** - the Master Plan Steering Committee (MPSC) has had difficulty meeting, but one final survey is coming out later in the month. **C. Reilly** recently spoke with the consultant working with MPSC and the group is becoming more active. **M. Brenner** apologized that the group didn’t communicate the expected summertime dip in activity and pointed to [planlunenburg.org](http://planlunenburg.org) for further updates.

### CHAIR / DIRECTOR’S REPORT

**M. Brenner** introduced Land Use Director Christopher Reilly. **C. Reilly** thanked his colleagues; excited to work with the Board. He explained the Director’s Report would be a recurring broad overview of Land Use “landscape” in Town.

### PUBLIC HEARINGS

WARRANT ARTICLE - Water Supply Protection District Revisions (§250-4.9)

## Q&A with Public

**M. Brenner** explained – although there were numerous previous meetings addressing the topic, the Public Hearing is a legally necessary step for getting a Warrant Article onto Town Meeting. **A. Reid** read the Public Hearing Notice<sup>i</sup>. **M. Brenner** thanked the Board for its willingness to cover the topic extensively in prior meetings.

**John Fortune (50 Hemlock Dr)** read his email to the Board<sup>ii</sup> - sought external confirmation that Wellhead Zone 1 ends at the water's edge and asked for an updated Zone map reflecting that ending point. **M. Brenner** explained - the map update is not locally created; it comes directly from MassDEP using *their* data. Noted that Richard Harris (previous Interim Land Use Director) got clarification from MassDEP that Zone 1 ends at the water's edge, despite what the map shows. **L. O'Connell** noted the proposed Warrant Article specifically cites a "Lunenburg Water District Aquifer Protection Zones"<sup>iii</sup> map dated July 2021 for the bylaw's references to Zone 1-3. The Board didn't have the external documents to confirm this which Mr. Fortune sought.

**Barbara Turpington (110 Royal Fern Dr)** asked for a notation in the article stating "Zone 1 ends at the water's edge". **M. Brenner** explained – in local bylaw, Board prefers *referencing* state regulations instead of copying their text to avoid conflicting with any later changes to state regulations. This practice precludes adding additional content to a definition. **T. Willsmer** opined the notation would be confusing since the article already included the requested "allowed activities" in Zone 1.

**Dave Rogers (82 Highland St)** asked for a brief history up to tonight. Per **M. Brenner** -

1. Several years ago Water District puts forward 2021 map update from MassDEP, voted down by Town concerned about what it *means*.
  - Adam Burney (previous full-time Land Use Director) drafts bylaw designed to incorporate the new map, update our 30-year old water supply protection bylaw, and give some land-use rights back to landowners through less restrictive requirements that incorporate modern technologies.
2. Draft goes through several iterations; Planning Board holds multiple meetings *before* acting on article to have it satisfy as many needs and groups as possible.

**D. Rogers** asked who the primary author of the new changes was if not Hickory Hills association. **M. Brenner** explained it was various Land Use Directors over time, working with input from public, MassDEP, and other communities. He reiterated that most content wasn't as controversial as the "Special Permit vs. Site Plan Approval for Water District construction in Zone 1" debate. **D. Rogers** opined that requiring Special Permit creates future possibilities of grossly impeding Water District activities.

**Matthew Woodward (64 Arbor St)**, Water District Commissioner hoped the bylaw vote would be based on its *content* (not expectations of passage), and noted the community's upcoming water needs.

**Andy Starvaski (8 Wintergreen Ct)** reiterated the desire for Special Permit requirement.

## Board Discussion

**M. Brenner** validated public's desire for Planning Board being a middleman (citing their treatment at select Water District meetings) but believed a Special Permit requirement wouldn't be technically impactful due to prior steps in the Water District's construction processes resolving most issues (e.g. publicly involved budget votes).

Noted that opponents of Special Permit requirement could still put a floor motion forward at Town Meeting to amend that language, although it would require a 2/3 vote from the voters to pass.

**T. Willsmer moved to close the Public Hearing. A. Reid seconded.**

**Voice vote, passed unanimously. Public hearing closed 7:05 P.M.**

**M. Allison moved to favorably recommend the Water Supply Protection District revisions for inclusion on the Town Warrant. T. Willsmer seconded.**

**Voice vote, passed unanimously.**

#### **WARRANT ARTICLE - Accessory Dwelling Units Revisions (§250-2.1, 3.4, 4.1G, 4.1H, 5.2E)**

(After 1335 Mass Ave Change of Use). **A. Reid** read the Public Hearing Notice<sup>iv</sup> at 8:12 P.M.

**M. Brenner** explained background – the State made upcoming changes to Accessory Dwelling Unit (ADU) law; Lunenburg is already largely compliant but has some changes to make for compliance. Richard Harris (previous Interim Land Use Director) and Brian Gingras (building commissioner) collaborated on a revision<sup>v</sup>.

**G. McLeod** disagreed with the State's removal of owner-occupancy requirements for ADUs, which Lunenburg currently has.

**A. Reid moved to close the Public Hearing. T. Willsmer seconded.**

**Voice vote, passed unanimously. Public Hearing closed 8:18 P.M.**

The Board briefly discussed the scope of public input given the mandatory nature of State changes – the bylaw contains changes *not* strictly required by the State, which the public could influence.

#### **SITE PLAN APPROVAL - 1335 Mass Ave, Change of Use**

**A. Reid** read the Public Hearing Notice<sup>vi</sup> at 7:12 P.M.

**Chris Anderson** of Hannigan Engineering represented applicant Dale Erskine. Explained background<sup>vii</sup> - building presently vacant, previously used as a puppet theater and has established 18-space parking lot off Mass Ave. Expects minimal traffic impact from any use change due to small size of site. No new construction involved in application; requested following waivers from Planning Board Rules and Regulations<sup>viii</sup> :

- Section 3.7 - Review by Consultants (Peer Review)
- Section 4.1.f(2) - Datum shall be the Massachusetts State Plane, North American Datum 1983, with units in U.S. Survey Feet
- Section 4.1.f(9) - Showing all buildings within 200 ft of property lines (survey-located).
- Section 4.1.f(10) - Showing driveway openings within 300 ft of property lines
- Section 4.1.f(16) - Showing existing significant trees & vegetation.
- Section 4.1.f(20) - Data for determining necessity of traffic impact analysis
- Section 4.1.f(22) - Photometric map of site
- Section 4.1.f(23) - Architectural elevations with proposed facade material, perspective views...
- Section 4.1.f(25) - Construction Details
- Section 4.1.h - Impact Report

**M. Brenner** sought feedback on the waiver requests. **C. Reilly** found them reasonable, no obvious detrimental impact from the property's prior higher-traffic use (puppet theater).

**Dan Proctor (1529 Mass Ave)** owns an abutting property; asked if plantings between the mature trees were expected. **C. Reilly** replied – introducing new plantings may impact the health and vitality of existing buffers, recommended reserved approach. **D. Proctor** agreed but claimed his development was held to a different standard, which is a problem with the turnover of the Land Use Director position.

**C. Anderson** explained the applicant's request for a Change of Use to retail and other uses allowed by right in the district, to avoid going through another Site Plan Approval process with the Planning Board if the current business changed. The Board discussed and was uncomfortable with the potential use changes (i.e. from retail to *restaurant*), but **M. Brenner** noted this as an opportunity for improving bylaw regarding similar uses. **M. Allison** noted the waiver requests made under a *retail* use could be considered inappropriate under some other by-right uses.

**Dale Erskine (1331 Mass Ave, Applicant)** explained the request; reiterated excessive engineering costs of the currently required Site Plan Approval process for a Change of Use. **M. Brenner** sympathized but opined current bylaw wasn't flexible enough for this; noted the desire of the Economic Development Committee to address such cost barriers in the current bylaw. **C. Anderson** modified the request to only retail.

The Board discussed the waiver for Section 3.7 (Peer Review). **M. Allison** was opposed; concerned about the division of parking spaces between 1331 and 1335 Mass Ave since 1335's lot only had 6 out of the 7 required spaces for retail use. **M. Brenner** said it was like pre-existing non-confirming conditions but understood M. Allison's concerns. **M. Allison** worried about the possibility of infectious invalidity; mentioned a lot merger from the 70s that may not be properly reflected.

**M. Allison moved to approve all waivers requested except Section 3.7**. **A. Reid seconded**.  
**Voice vote, passed unanimously.**

**T. Willsmer moved to approve the waiver for Section 3.7**. **G. McLeod seconded**.  
**Voice vote, passed 4-1 (M. Allison against).**

**T. Willsmer moved to close the Public Hearing**. **A. Reid seconded**.  
**Voice vote, passed unanimously. Public hearing closed 8:10 P.M.**

**T. Willsmer moved to approve the Change of Use for 1335 Mass Ave with the condition that a 7<sup>th</sup> parking space must be added to 1335 Mass Ave if it or 1331 Mass Ave changed ownership, to comply with parking bylaws**. **A. Reid seconded**.  
**Voice vote, passed unanimously.**

## BOARD DISCUSSIONS

None at this time.

## ABUTTING COMMUNITY NOTICES

- Shirley ZBA Notice of Decision – Deck Variance, 10 Valley View Way<sup>ix</sup>
- Shirley ZBA Notice of Decision – Self Storage Facility, 182-188 Great Rd<sup>x</sup>
- Shirley ZBA Public Hearing Notice – Accessory Buildings at 22 Myles Lane<sup>xi</sup>

The Board had no comments on these notices.

## COMMITTEE REPORTS

### Master Plan Steering Committee

**T. Willsmer** – Chair Joeci Gilchrest is stepping down as member, re-organization at next meeting on 2024-10-03.

### Open Space Committee

**G. McLeod** - only housekeeping items.

### Municipal Bldg. Design Committee

**M. Allison** - held at 5:30; had to leave early for Planning Board meeting. Request For Proposal (RFP) for services still being refined; includes work on the Ritter Building for housing school administration offices and work on Town Hall for a public meeting space. Last couple meetings were short notice (trying to use ARPA money before expiration deadline); schedule is returning to 1<sup>st</sup> & 3<sup>rd</sup> Mondays soon.

### Capital Planning Committee

**M. Brenner** - no meeting since last one, trying to standardize presentation formats for data.

### Economic Development Committee

**G. McLeod** - Town Official Meet and Greet on 2024-09-26. M. Brenner reiterated opportunity for business owners & Town officials to connect informally.

### Storm Water Task Force

**T. Willsmer** – 1st meeting in awhile, working on presentation and advertising procedure for next Town Meeting.

### Town Manager Screening Committee

**M. Brenner** - Consultants (Community Paradigm) met with Select Board and Department Heads; is known for creating good info packets for Town Manager applicants.

### Montachusett Regional Planning Commission

**A. Reid** – no meeting since last, one upcoming next week.

### Montachusett Joint Transportation Committee

**A. Reid** – this month's meeting cancelled.

## MINUTES APPROVAL

- 2024-08-26 Meeting (Incl. Public Hearings)

**L. O'Connell explained** – the SOP from the previous Admin Asst included breaking minutes of a Public Hearing out into a separate document from the main meeting minutes. He and C. Reilly preferred keeping it in one document for ease-of-access. The Board briefly discussed and had no issues.

**M. Allison moved to approve the minutes for the 2024-08-26 Planning Board meeting and all included Public Hearings as amended. A. Reid seconded.**

**Voice vote, passed unanimously.**

## MEETING SCHEDULE

Upcoming meetings are 10-28 and 11-25 at 6:00 P.M.

No meetings on 10-14 or 11-11 due to holidays.

## PUBLIC COMMENT

None at this time.

## BOARD COMMENT / CONCERNS

The Board discussed the timeline for MBTA Communities zoning options. M. Brenner recommended having some public listening sessions before actual bylaw crafting. **G. McLeod** agreed and recommended providing additional information for the public beyond the Public Hearing Notices.

## ADJOURNMENT

**T. Willsmer moved to adjourn. A. Reid seconded.**

**Voice vote, passed unanimously. Adjourned 8:51 P.M.**

Minutes by Logan O'Connell, Admin Asst.

## DOCUMENTS REFERENCED

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<sup>i</sup> Legal Ad for Public Hearing – Warrant Article, Water Supply Protection District Revisions

<sup>ii</sup> EMail from Public – John Fortune

<sup>iii</sup> Lunenburg Aquifer Protection Districts, July 2021

<sup>iv</sup> Legal Ad for Public Hearing – Accessory Dwelling Units

<sup>v</sup> Accessory Dwelling Units – Affected Bylaw Provisions (Redlined)

<sup>vi</sup> Legal Ad for Public Hearing – 1335 Massachusetts Avenue Site Plan Approval

<sup>vii</sup> Narrative and Submittal Package – 1335 Mass Ave Site Plan Approval

Existing Conditions Plan – 1335 Mass Ave Site Plan Approval

<sup>viii</sup> Planning Board Rules and Regulations for Site Plan Approval and Special Permit, March 8<sup>th</sup> 2021

<sup>ix</sup> Shirley ZBA Notice of Decision – Deck Variance, 10 Valley View Way

<sup>x</sup> Shirley ZBA Notice of Decision – Self Storage Facility, 182-188 Great Rd

<sup>xi</sup> Shirley ZBA Public Hearing Notice – Accessory Buildings at 22 Myles Lane