

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 – Administrative Asst

MINUTES 2024-10-28

MEETING POSTED: [Yes](#)

ADDRESS: Town Hall, 17 Main St

TIME: 6:00 P.M.

PRESENT: **Matthew Brenner (Chair), Timothy Willsmer (Vice-Chair),
Amanda Reid (Clerk) - REMOTE, 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. Amanda Reid attended remotely via Zoom.

PUBLIC COMMENT

None at this time. Many attendees waited to comment on their respective Public Hearings.

CHAIR / DIRECTOR’S REPORTⁱ

Update on Master Plan

Per **M. Brenner** – a new survey is available at [PLANLUNENBURG.ORG](https://planlunenburg.org). Master Planning process is in home stretch, surveys getting more specific on resident *opinions* about future of Town.

Per **Chris Reilly** (Land Use Director) – next Master Plan meeting is 2024-12-04 at 7:00 P.M. in the main hall of the Lunenburg Public Library, encouraged attendance and feedback. Master Plan is important to next 10 years in Lunenburg.

Fees Review Status

Per **C. Reilly** – Planning Office is working on clarifying existing fee schedule, will have draft fee schedule available for Board Review 11-25 meeting. A final fee schedule will likely incorporate data from MRPC and will require a Public Hearing for approval.

Update on MBTA Zoning Review with MRPC

C. Reilly explained background of MBTA Communities Act: a statute broadly requiring adjustments to zoning to allow more housing by right. Planning Board needs to act by December 2025. There will be extensive public involvement in next 7-9 months including public information sessions and zoning workshops, aiming for resolution at Fall Town Meeting.

2025 Workplan

C. Reilly will create a living document to track the Board's priorities and guide his support over the next calendar year. Currently includes ongoing revisions of ADU Zoning bylaw amendment tentatively aimed for Annual Town Meeting.

PUBLIC HEARINGS

494 Electric Ave – Site Plan Approval (SPA), Stormwater Management Permit (SMP)

A. Reid read the Public Hearing Notice at 6:13 P.M.

Per **Chris Anderson** (Hannigan Engineering, representing applicant D&A Lunenburg LLC) - project is construction of commercial building & reconfiguration of existing parking lot associated with existing business (Il Forno). Portion of area subject to Wetlands Protection Act, going before Conservation Commission.

Existing parking lot's zoning compliance is pre-existing non-conforming (constructed before relevant bylaw was in effect). Looking to expand undeveloped portion of property across Pierce Ave & redevelop parking lot to meet zoning compliance.

Requested waiver from Residential District zoning setback requirement (40 ft). Planⁱⁱ shows 20 ft off the zoning setback line. Proposing to construct a 6 ft solid wall fence along edge of parking lot & plant evergreen plantings between the fence and residential district line for additional buffer.

Access to the new parking lot to be provided off of Pierce Ave in loop configuration with one means of egress onto Pierce Ave, sidewalk connection to 494 Electric Ave restaurant for pedestrian access.

Commercial structure of approx. 6300 sqft planned for South side of property, to be serviced by separate driveway with loop configuration. Property planned for subdivision into two lots (through Approval Not Required plans) pending favorable action from the Board: one lot exclusively within Commercial zoning district & one within Residential zoning district. Second lot would be exclusively residential zoned, but applicant has no immediate intentions to develop it.

The Board discussed the legal status of Pierce Ave as a *public way*. Attorney **Jeff Avini** (representing the applicant) explained – per their title examinationⁱⁱⁱ from Attorney Joe Pellegrini, Town records show a series of votes to take Pierce Ave, but this was never finalized by recording at the Registry of Deeds. Despite this, a certified street listing shows the Town's acceptance of the street. Small portions of Pierce Ave were recorded as taken, but the pertinent section in front of the applicant's property was *not*. If the road was not taken and the lots on both sides are owned by the same entity, their titles merge and they are considered one lot, fulfilling the Town bylaw's parking requirements. C. Reilly asked J. Avini for the complete Title Search report from Atty. Pellegrini, for Town Counsel to review.

M. Brenner asked for an outline of the allegedly incomplete process for the Town's ownership of Pierce Ave. J. Avini explained – a Town generally attains a road or street through:

(1) a Deed in Development (voluntary transfer from a developer through a deed), or

(2) a Taking (using the power of eminent domain through a formal process including a Town vote and compensation to the property owner).

Atty. Pellegrini's search found no deeds conveying Pierce Ave to the Town of Lunenburg in its chain of title.

C. Reilly hadn't found legal authority for the Planning Board to waive the dimensional setback requirements & said it was usually a dimensional control from the ZBA. C. Anderson would review.

M. Brenner invited Public Comment. Numerous residents were worried about this development worsening pre-existing issues with the site.

Michael Lovewell (579 Reservoir Rd) owns 480 Electric Ave and 15 Kirby Ave, has had year-long issues with the applicant about noise and drainage concerns. Addition to 494 Electric Ave didn't include gutters when proposed but they were added at some point during construction, and they pour directly into 15 Kirby Ave.

George Oliver (33 Wallace Park) was concerned about light pollution from the parking lot, noted the neighborhood had widely used that lot despite it being officially undeveloped. **C. Anderson** explained - due to Derelict Fee Statute this was "one giant lot", but the travel path along Pierce Ave would be maintained. Incorporating 88 parking spaces immediately in front of the building at 494 Electric Ave was part of making its parking Zoning Compliant. The surplus parking necessary for the business would be located "along the opposite side of Pierce Ave" and will use a new concrete sidewalk along its perimeter leading to a crosswalk at Pierce Ave to prevent meandering of pedestrians in the roadway system. There will be one means of egress (located closer to the intersection with Electric Ave) to get the majority of the commercial traffic component away from residential properties. For lighting concerns, he noted the submission included a Photometric Analysis & plans were night-sky compliant.

Jeanine Cooper (43 The Clearing) has lived in area since 1992, noted the roads only began flooding after the parking at 494 Electric Ave was developed. Was concerned about this worsening. **C. Reilly** noted that local concerns (i.e. noise, drainage) can be addressed via requirements imposed by the Planning Board. **C. Anderson** explained that their development's Stormwater impact couldn't legally exceed that of the pre-existing conditions, although those conditions themselves had problems.

Steven Coor (15 Kirby Ave) was concerned about snow-plowing Pierce Ave if it was found not to be a public way. **C. Reilly** explained – although Towns have no *legal* obligation to plow private ways, "responsible" Towns generally use their equipment to maintain it as though it were an accepted public way. S. Coor also had drainage concerns with the contractors used on the previous 494 Electric Ave addition and would send a video documenting them to the Land Use Director.

Linda Hallisey (20 Pierce Ave) was concerned about the materials used for the wall across from the parking lot, re-emphasized the drainage impact concerns, said the lights from the parking lot are extremely bright, and noted that her water shutoff (coming from Leominster) is nearby and could be damaged if overlooked. **C. Anderson** acknowledged drainage concerns, would review lighting issues, confirmed wall material will be a solid vinyl fence, not a stockade.

Michael Cooper (43 The Clearing St) commended Il Forno's business & emphasized drainage as primary concern. Culverts fill up within the first hour or two, recommended fixing *current* issues before adding new drainage. Opined there's no way to do new development without its drainage impacting current residents. Also concerned about traffic into Pierce Ave, doesn't believe it can sustain new traffic impact with current congestion. Re-emphasized issues with existing parking lot lights.

M. Allison noted the tent addition to 494 Electric Ave was permitted through a covid relief effort which required limiting capacity to its pre-existing state, opined that the applicant intended to return and ask for relief on previous permit's capacity restraint once additional parking was acquired. **C. Anderson** explained – the parking lot's pre-existing non-conforming condition was its *geometry*. The parking lot was difficult to use on a busy night. The total requirement for this location from bylaw calculations is 60 spaces, and proposed plans show 119 “to accommodate the influx from larger events”.

T. Willsmer responded to numerous drainage concerns by noting the Town's intention to propose a dedicated Stormwater Utility in the coming year for such issues.

Kathy Oliver (33 Wallace Park) re-emphasized traffic concerns.

Terri Green (28 The Clearing) noted many patrons of Il Forno cut across Pierce Ave to go onto Route 13, opined it's “an accident waiting to happen”. Wanted access to Pierce Ave for *current* parking lot shut off. Agreed with the previous concerns about drainage.

M. Lovewell asked whether the site was within the Whalom Overlay district. **C. Anderson** confirmed that it was, noted they weren't using any of its components in the application, and explained that the planned changes 494 Electric Ave's parking would restrict the access points to defined locations, which currently don't exist.

Dave Simonich (39 Wallace Park) asked where the catch basins were on the plans and where the flow of water from the larger parking lot was being graded. **C. Anderson** explained – all impervious areas associated with the parking lot areas being developed are being captured. The Stormwater *within* the development is being captured by several deep sump catch-basins that direct into a detention basin, discharging to an existing swale that directs itself towards the wetland at the bottom portion of the site. Reiterated that this would be included in the Town's peer review process.

The Board discussed Peer Review. C. Reilly suggested a motion and vote to authorize peer review by Graves Engineering Inc for \$5,000. M. Allison noted the Board generally hadn't taken explicit motions and votes for this previously. **T. Willsmer moved to authorize Graves Engineering Inc. as the peer reviewer for this application in the amount of \$5,000. M. Allison seconded. Roll call vote:**

G. McLeod – Aye; M. Allison – Aye; T. Willsmer – Aye; A. Reid – Aye; M. Brenner – Aye

Passed 5-0-0.

T. Willsmer moved to continue the public hearing to 2024-11-25 at 6:05 P.M. M. Allison seconded.

Roll call vote:

G. McLeod – Aye; M. Allison – Aye; T. Willsmer – Aye; A. Reid – Aye; M. Brenner – Aye

Passed 5-0-0.

791 Leominster Rd – SMP (“Lot 2”)

A. Reid read the public hearing notice at 7:44 P.M.

Ryan Proctor of Dillis & Roy presented. These lots (791 / 795 Leominster Rd and 70 Kilburn St) came from previous ANR^{iv} splitting up “20 Kilburn St”. Lots 1 and 2 are off Leominster Rd, Lot 3 is off Kilburn St. Since lot 2 is to be conveyed to an owner of parent parcel & lots 1 and 3 will be conveyed or sold separately, 3 separate SMP applications were filed to avoid project completion being contingent on potentially separate contractors and owners. No individual lot meets 1-acre disturbance trigger for Stormwater Bylaw, but they *collectively* disturbed more than 1 acre. Proposed project is a single-family house accessed by short paved driveway, new drilled well and sewage disposal system.

Septic - Upland portion of site didn’t have adequate space for septic system design. Proposal is to temporarily run force main through wetland, restore wetland, then locate sewage disposal system for Lot 2 on opposite side of wetland in another upland portion of the site. Permitted by Conservation Commission, voted to issue an order of conditions, permitted by Board of Health as well.

Stormwater – Proposal captures & treats all storm water associated with roof area & paved driveway. Includes stone recharge trench along east side of driveway / around building foundation, and small grass swale that discharges into level spreader at limit of work.

(Out of Order): **M. Allison** asked if this application’s peer review process had begun. **C. Reilly** explained it could be requested by the board, but it wasn’t mandatory for all projects. **M. Allison** explained that they’d required it for all applications since the Board & staff members lacked engineering expertise, opined that all applications before the Board should be peer reviewed. **T. Willsmer** asked if the Board could ask for peer review prior to the public hearing so it was ready-to-go, **C. Reilly** explained that statute required peer review to be assigned for an amount by a motion and vote, and he had never experienced peer review beginning prior to public hearings.

G. McLeod asked what the cost of peer review for each application would be. **M. Brenner** noted the Board was generally unfamiliar with discussing these figures. Per **C. Reilly**, the standard cost of a review for an individual Stormwater Management System was around \$3,000. He acknowledged the financial burden peer review can impose and reiterated that it was available at the Board’s discretion but wasn’t explicitly required. **M. Allison** opined that the Board isn’t able to protect existing abutters without the engineering expertise derived from peer review. **T. Willsmer** agreed. **G. McLeod** noted that the applicants’ engineers had expertise as well, was concerned about imposing unnecessary costs on applicants. **M. Brenner** opined that requiring peer review wasn’t a sign of lack of faith in the applicant’s engineers. **C. Reilly** noted that unspent peer review funds are later returned to the applicant.

M. Allison moved to authorize peer review by Graves Engineering Inc for the Stormwater Management Permit at 791 Leominster Rd in the amount of \$3,000. **T. Willsmer** seconded. Roll call vote:

G. McLeod – Aye; M. Allison – Aye; T. Willsmer – Aye; A. Reid – Aye; M. Brenner – Aye;

Passed 5-0-0.

T. Willsmer moved to continue the public hearing for 791 Leominster Rd to 2024-11-25 at 6:05 P.M. M. Allison seconded. Roll call vote:

G. McLeod – Aye; M. Allison – Aye; T. Willsmer – Aye; A. Reid – Aye; M. Brenner – Aye;

Passed 5-0-0.

795 Leominster Rd – SMP (“Lot 1”)

A. Reid read the public hearing notice at 8:12 P.M.

Ryan Proctor of Dillis & Roy presented. Proposed project is single-family home accessed by new paved driveway.

Septic - Permitted through Conservation Commission and Board of Health. North portion of site includes wetlands in Conservation Commission jurisdiction.

Stormwater – Proposal captures stormwater associated with roof area using roof drains discharging to stone swale on northeast side, routed into beehive grate & discharged towards wetlands into stormwater management area similar to previous design. Driveway will be super-elevated to route water towards northeast side / guide water towards stormwater management devices. Small portion near road unable to be captured due to topography but will be mitigated by temporary construction management entrance.

M. Brenner sought public comment.

Sue Rowe (710 Leominster Rd) noted Leominster Rd is low / surrounded by hills, & lot 2 is lowest spot among the hills. This area has issues with water pooling, freezing in the winter, & accidents.

M. Allison moved to authorize peer review by Graves Engineering Inc for the Stormwater Management Permit at 795 Leominster Rd in the amount of \$3,000. T. Willsmer seconded. Roll call vote:

G. McLeod – Aye; M. Allison – Aye; T. Willsmer – Aye; A. Reid – Aye; M. Brenner – Aye;

Passed 5-0-0.

T. Willsmer moved to continue the public hearing for 795 Leominster Rd to 2024-11-25 at 6:05 P.M. M. Allison seconded. Roll call vote:

G. McLeod – Aye; M. Allison – Aye; T. Willsmer – Aye; A. Reid – Aye; M. Brenner – Aye;

Passed 5-0-0.

70 Kilburn St – SMP (“Lot 3”)

A. Reid read the public hearing notice at 8:22 P.M.

Ryan Proctor of Dillis & Roy presented. Proposed project is single-family home accessed by paved driveway with new well and sewage disposal system.

Septic – New sewage system to be located between the house and the road. Has been permitted with Conservation Commission (pending order of conditions) and with Board of Health.

Stormwater – Similar to previous systems. Berm planned for east side of driveway to route stormwater into a grass swale at bottom of site between house and wetlands.

M. Brenner sought public comment.

Joan Hoyt (39 Kilburn St) lives across from site. Will submit pictures & videos of existing drainage issues. Road frequently floods, husband regularly cleans out nearby storm drain in attempts to reduce flooding. Combination of speeding & flooding at the corner is dangerous. Proposed driveway is across from her driveway, concerned by possibility of two driveways trying to enter the road on an icy flooded corner simultaneously. Noted the proposed lot is the *only* possible area to construct due to surrounding wetlands. Per **R. Proctor** the wetlands concerns are addressed by Conservation Commission permitting. Site slopes away from the road, development won't introduce any new flow into the road, grading & placement of drainage features will prevent pooling by house. **J. Hoyt** said Conservation Commission deferred to Planning Board when asked about water issues related to *roads* (separate from wildlife concerns).

M. Allison moved to authorize peer review by Graves Engineering Inc for the Stormwater Management Permit at 70 Kilburn St in the amount of \$3,000. T. Willsmer seconded.

G. McLeod – Aye; M. Allison – Aye; T. Willsmer – Aye; A. Reid – Aye; M. Brenner – Aye;

Passed 5-0-0.

T. Willsmer moved to continue the public hearing for 70 Kilburn St to 2024-11-25 at 6:05 P.M. M. Allison seconded. Roll call vote:

G. McLeod – Aye; M. Allison – Aye; T. Willsmer – Aye; A. Reid – Aye; M. Brenner – Aye;

Passed 5-0-0.

1260 Reservoir Rd – Site Plan Approval

A. Reid read the public hearing notice at 8:38 P.M.

Ryan Proctor of Dillis & Roy presented. Project was construction of a replacement quality control building within area currently used as parking. Entire frontage along Reservoir Rd is currently paved, not proposing any modifications to existing curb-cut.

Septic – Building will tie into existing sewage disposal system located to the west of building (currently serving existing quality control building). Will install new septic tank, Board of Health approval currently being permitted.

Stormwater – Large majority of storm water from site currently contained on the property. Runoff from proposal will be routed back into the facility & infiltrated on-site. 45-acre site's net increase in impervious area is 2500 sqft. (Out of Order): Noted that the site doesn't trigger *Lunenburg's* stormwater permit requirements, but information is provided pertinent to *State* requirements.

Water – Intend to construct new water service connection, will work with utility company to leverage service to existing quality control building or provide new service.

Lighting – Only above manned door at the back for access purposes (no access on Reservoir Rd side of building).

M. Brenner sought public comment, none present.

T. Willsmer moved to close the public hearing for 1260 Reservoir Rd. M. Allison seconded. Roll call vote:

G. McLeod – Aye; M. Allison – Aye; T. Willsmer – Aye; A. Reid – Aye; M. Brenner – Aye;

Passed 5-0-0. Public hearing closed 8:49 P.M.

G. McLeod moved to approve the site plan for 1260 Reservoir Rd with all standard conditions. T. Willsmer seconded. Roll call vote:

G. McLeod – Aye; M. Allison – Aye; T. Willsmer – Aye; A. Reid – Aye; M. Brenner – Aye;

Passed 5-0-0.

DECISIONS

255 Sunny Hill Rd – SMP Denial

The board rendered a 2-2 vote denying the Stormwater Management Permit for 255 Sunny Hill Rd on 2025-08-26. G. McLeod was ineligible to vote due to the application beginning prior to his Board membership.

The decision reflecting that vote was sent to Town Counsel for review, who recommended some changes to verbiage and added additional legal context to Board member's comments. The board reviewed the decision and found that it accurately reflected their deliberations and decisions. M. Brenner, T. Willsmer and A. Reid endorsed the decision. A. Reid, who was attending remotely, endorsed the decision in the Planning Office the following day.

1335 Massachusetts Ave – Site Plan Approval

C. Reilly needed to make minor corrections to the draft decision and offered the Board a signature sheet to be attached to that decision later. The Board preferred to have the decision immediately available at the time of endorsement. **L. O'Connell** prepared a copy with the corrections and printed it for the Board members in the meeting.

The Board endorsed the corrected decision.

CERTIFICATES OF COMPLETION

319 Highland St – Stormwater Management Permit

Justin LeClair of McCarty Engineering gave context – the water quality volumes and number of plantings associated with this project were above Lunenburg's requirements. **C. Reilly** confirmed this and recommended approving the Certificate of Completion.

The board reviewed a letter^v outlining the request for a Certificate of Completion. (Out of Order): **M. Allison** asked whether Certificates of Completion are normally processed by the peer reviewer. **C. Reilly** explained that the Land Use Director is able to process these per the Town's regulations.

T. Willsmer moved to approve the Certificate of Completion for 319 Highland St. M. Allison seconded. Roll call vote:

G. McLeod – Aye; M. Allison – Aye; T. Willsmer – Aye; A. Reid – Aye; M. Brenner – Aye;

Passed 5-0-0.

M. Brenner noted that previous Land Use Directors had acted on Certificates of Completion as the Board's agent, with less direct involvement from them, and asked the Board whether they wanted more involvement. **C. Reilly** opined that the regulations required the Board to be directly involved in Certificates of Completion, acting based on *recommendations* from the Land Use Director.

BOARD DISCUSSIONS

None at this time.

ABUTTING COMMUNITY NOTICES

Notices of Hearings on 2024-11-06 included:

Shirley Planning Board (MBTA Zoning Bylaw Proposal)

Townsend Planning Board Change of Use (Bank to Starbucks)

Townsend Zoning Board of Appeals (Residential Duplex)

The Board discussed the possibility of a business like Starbucks in the vacant bank in the Village Center District. The building has a drive-thru that was used for bank tellers, and the Board wanted to know if a business with a different use could leverage the pre-existing drive-thru. **C. Reilly** confirmed that it could if the use category of *Commercial* was unchanged, although both the building's Zoning and Use would be "legal non-conforming".

COMMITTEE REPORTS

Master Plan Steering Committee

T. Willsmer – Meeting coming up in December, next meeting tentatively 2024-10-31.

Open Space Committee

G. McLeod – Nothing to report.

Municipal Bldg. Design Committee

M. Allison – Meetings now 1st and 3rd Monday, no more overlap impacting Planning Board meetings. Request for Proposal (RFP) for design services & possible construction services has gone out, received large response. Chris Ruth & Michael-Ray Jeffreys to provide site walk-throughs to bidders. Next meeting on 2024-11-04.

Capital Planning Committee

M. Brenner – Worked towards uniformity of submissions to Capital Planning. Awaiting presentations from Department of Public Works, Information Technology, Fire Department.

Economic Development Committee

G. McLeod – Nothing to report. **M. Brenner** – Meet and Greet went well, good opportunity to connect with businesspeople and community.

Storm Water Task Force

T. Willsmer – Continuing to make progress. 1 to 1.5-year long advertising period of group and Stormwater Utility upcoming.

Montachusett Regional Planning Commission

A. Reid – Nothing to report.

Montachusett Joint Transportation Committee

A. Reid – A couple new routes for MART buses are in-progress.

Town Manager Screening Committee

M. Brenner – Advertisement for Town Manager position posted. Community Paradigm Associates (Consultant) interviewed Department Heads about desired leadership qualities, areas to improve within Town, crafted position statement for the Town included in job listing. TMSC will complete screening interviews after applications come in.

MINUTES APPROVAL

None at this time.

MEETING SCHEDULE

2024-11-25, 2024-12-09. (No 11-11 due to holiday.)

PUBLIC COMMENT

L. O'Connell (711 Page St) wanted to post Planning Board meeting dates ahead of time on the Town website, and asked the Board for their input. The Board was comfortable with a document outlining the tentative dates for the year, with the disclaimer that it was subject to change.

BOARD COMMENT

G. McLeod and **M. Brenner** thanked the Land Use Director for his work so far.

ADJOURNMENT

T. Willsmer moved to adjourn. **M. Allison** seconded. Roll call vote:

G. McLeod – Aye; M. Allison – Aye; T. Willsmer – Aye; A. Reid – Aye; M. Brenner – Aye;

Passed 5-0-0. Meeting adjourned 8:43 P.M.

Minutes by Logan O'Connell, Admin Asst.

DOCUMENTS REFERENCED

ⁱ 2024-10-28 Planning Board Agenda Staff Report

ⁱⁱ Site Development Plan – Commercial Development & Parking Lot, Electric Avenue in Lunenburg, Massachusetts 2024-09

ⁱⁱⁱ Joe Pellegrini Opinion Letter – Pierce Ave Title Search

^{iv} ANR of 20 Kilburn St

^v Cover Letter – 319 Highland St SMP Certificate of Completion