

**BOARD OF SELECTMEN
MEETING MINUTES**

April 7, 2015

The Board of Selectmen met in the Joseph F. Bilotta Meeting Room, Town Hall, as scheduled with Thomas Alonzo, Chair; Paula Bertram, Vice Chair; Jamie Toale, Clerk; Robert Ebersole, Member; Phyllis Luck, Member and Town Manager Kerry Speidel present. The meeting opened at 7:00 PM with the Pledge of Allegiance.

PUBLIC COMMENT

Board: Ms. Luck reminded all of the Lion's Club pancake breakfast at the Senior Center tomorrow morning. Mr. Alonzo reported that the Town Clerk office will be open on Friday April 13th from 9 am to 8 pm as this is the last day to register to vote before the annual town meeting and election.

Debbie Lincoln, 46 Hemlock Drive, thanked the Board for hosting the volunteer appreciation night last week. She wanted to express her appreciation for acknowledging the volunteers, adding she hopes that this is the beginning of a new tradition. Mr. Alonzo thanked everyone who attended and for their comments.

Eagle Scout Project Presentation

Logan Marshall, 42 Main Street, presented his project in order to obtain the rank of Eagle Scout. Logan stated he has to do a community project and he decided to build a pathway between the Teen Center and Eagle House Senior Center that links into the existing Senior Center pathways. He consulted with Doreen Noble, COA Director, Mike Sauvageau, Building Inspector and Jack Rodriquez, DPW Director, and came up with a design that meets building code and ADA requirements. It will consist of three parts; a ramp segment with handrails, a platform with benches on both sides that connects to a walkway leading to the existing Senior Center pathway. He estimated it would take roughly 75 hours with help from the other scout troop members to complete the project. Mr. Alonzo asked two questions, the first about the parking lot level ramp segment and if it was going to take up an existing parking lot space and the other about the material for the handrail. Logan replied it will eliminate one parking spot. He suggested finding some other more weather resistant material for the handrail to avoid splinters developing over time. Mr. Toale stated the Capital Planning Committee had looked at a similar project and stated it had been estimated at \$20,000 and had been passed over. He added he was most appreciative of the proposed project. Mr. Alonzo asked Logan when he was planning on starting. Logan stated he had to present his proposal to the Scouting Council for approval and then would begin fundraising for it. Ms. Bertram stated this was sorely needed and thanked Logan, adding it was a great idea.

Motion: B. Ebersole

2nd: P. Bertram

To approve the Eagle Scout project by Logan Marshall as presented
Logan Marshall exited the meeting.

Vote: All in Favor

The Board signed the following warrants; Accounts Payable in the amount of \$500,419.67; Accounts Payable in the amount of \$1290.00; Payroll in the amount of \$670,778.71 and Payroll deductions in the amount of \$395,347.00.

Planning Board, Land Use Director and Board of Selectmen Review of May 2, 2015 Annual Town Meeting Articles.

The group began with two scenic roads articles, specifically designation of Flat Hill Road and Northfield Road. Damon McQuaid, Planning Board member, reported the scenic road designation protects trees and stone walls in the right of way. Permission is required to alter them. He stated Flat Hill Road and Northfield Road are two of the oldest roads in town and have large trees and stone walls on them. Adam Burney, Land Use Director, further explained that there are no other benefits other than keeping the roads in the same scenic condition it has been in for years. There is no financial cost or incentive to the town.

Motion: B. Ebersole

2nd: P. Bertram

That the Board recommends approval of #34, #35 articles for scenic road designations

Vote: All in Favor

The next article discussed was to amend commercial zoning designation located at or about 790 Massachusetts Avenue to limited business/residential zoning. Ms. Bertram asked what the difference is between commercial and limited business/residential. Mr. Burney presented a handout that showed the various allowed uses for limited business/residential and commercial uses.

Mr. Burney noted this parcel, located at 790 Massachusetts Avenue, is a little over an acre and the compatibility compared to the property surrounding it has created an "island" that may not be compatible in the long term and could be out of character in this area for economic development. Ms. Bertram agreed that the town needs to look at what makes sense in this area, specifically parking concerns. Mr. Burney believed an acre was doable for a small business but then you run into whether it would be successful in that location. Ms. Bertram stated the town should be looked at not by parcel to parcel but as a whole, therefore she is opposed to this article. Mr. Ebersole stated one of the things the Planning Board is charged with is the protective bylaw. Hence they came up with the limited business zoning and the problem with commercial zoning in this area is that it is inappropriate. He believed this is the opportunity to make the change and supports the article. Mr. Toale stated he agreed with many of the points Ms. Bertram made. He added someone owns this property with the current zoning and a certain value and to reduce the value of the property at this time would be inappropriate. He will not support the article.

Motion: B. Ebersole

2nd: P. Luck

To recommend approval of Article 37

Discussion: Mr. Alonzo stated the town did not choose to make that property commercial because an existing business was there at that time. He believed if that building wasn't there, the zoning would have been limited business/residential. He asked for further comment and there was none. **Vote: P. Luck, B. Ebersole, T. Alonzo- yes; P Bertram, J. Toale- no**

Mr. Alonzo announced the Historical Commission members were present for the next discussion regarding the proposed Architectural Preservation District (APD); Article 26.

Chair Rebecca Lantry explained this article would be to amend Lunenburg's general bylaws by adding a section entitled Architectural Preservation District under the Home Rule amendment of the Massachusetts Constitution for the purposes of preserving, restoring and protecting groups of historical or architecturally significant buildings and the characteristics of their neighborhoods that are important to the town's architectural, cultural, economic, political and/or social history. It is also to foster wider public knowledge and appreciation of such neighborhoods and contributing properties and their neighboring settings; reviewing proposed alterations (substantial and minor), including demolition of or to any contributing property located within the APD, for appropriateness and compatibility with the existing buildings, setting and neighborhood character and facilitating the protection of the APD through a regulatory review. The article gives several definitions for the bylaw and who administers it. Terms are staggered on the commission. She stated the composition of the commission is fashioned of the following: a member of the Historical Commission, a design professional, a craftsman or building contractor familiar with historic restoration, and two residents of the APD. A main concern this article addresses is the façade of buildings and any proposed physical changes to the building. There are exemptions to the bylaw requirements.

This bylaw was modeled after the Town of Ipswich's bylaw and provides a process for review of architectural design. Demolition of all or part of a contributing property or substantial alterations to a contributing property requires submittal of an application for binding review by the APD commission.

Mr. Ebersole stated he supports this in context with the Village Center District. He did express concern of the demolition by neglect section. Under "Enforcement" it states in the case of demolition, including demolition by neglect, without approval of the APDC, no building permit shall be issued with respect to any Contributing Property within the APD that caused a demolition of its building, structure or Contributing Property for a period of up to two (2) years after the date of the violation. When does demolition by neglect take effect? At what point do we decide demolition is warranted? Ms. Lantry stated it would be on a case by case basis and we need to be more proactive by finding financial assistance rather than being punitive to the property owner. Mr. Burney added he believed it is when it is financially or construction method wise unfeasible to save the structure that demolition would be warranted. He supported it in concept but was troubled on how it would affect the average homeowner. Discussion over enforcement details continued.

Ms. Speidel stated she did have Town Counsel look over this article and they had noted the difference between Lunenburg's proposed bylaw and Ipswich's bylaw is the demolition by neglect portion. This is something that the Attorney General could see as governed under state building code and may be closely scrutinized. Even if approved by the AG office, it could still be subject to challenge. Nathan Lockwood, Planning Board member, stated in his view the penalty for withholding a building permit is only in the event demolition is needed due to neglect and it has already happened. He added the APDC will need to adopt design guidelines, rules and regulations, and forms and procedures for addressing the causes of demolition and neglect in a public hearing. Mr. Ebersole asked if the Planning Board supports this bylaw. Mr. Lockwood stated they did. Mr. Alonzo asked about the appeals process; who would be the appeal authority in the case of denial? Mr. Burney replied the court system, either housing court or superior court. Ms. Bertram noted Town Counsel pointed out that the AG has cautioned that "the jurisdiction to hear appeals is a matter exclusively within the prerogative of the State Legislature. Thus, a bylaw cannot confer jurisdiction upon a court. Additionally, a person's status as "aggrieved," is

typically a legal determination made by a court. Again, while the AG has approved similar language, these provisions may be subject to challenge as it may be argued that defining who may appeal and who may be considered “aggrieved” are legal requirements beyond the Town’s authority to establish through a bylaw.” Ken Chenis, Planning Board member, stated the concern is the definition of an aggrieved party. The Planning Board structured it to be a concerned neighbor or someone located within a certain number of feet. The solution is to strike the term from the wording and stick with appeals. Minor wording can be changed on the town meeting floor. Mr. Toale stated he was concerned about the makeup of the commission itself. He found it problematic because it precludes anybody interested on serving on it from doing so. Perhaps the wording could suggest not mandate the composition of the commission. Suggestion was made to have one resident of the APD and another at large member. Cullin Dwyer, Historical Commission member, stated the purpose of this bylaw is to preserve historic homes, not economic development. We want all five of those people to care about preservation. Discussion ensued to make an amendment on the floor for the two points discussed.

Motion: B. Ebersole

To recommend approval of Article 26

2nd: P. Bertram

Vote: All in Favor

Mr. Alonzo thanked the Historical Commission and Planning Board for their work on the article. The group moved on to the proposed Village Center District (VCD) Article #27. Mr. Burney reported the proposed VCD encompasses an area approximately a ¼ mile from the crossroads of Lancaster Ave. and Main St. and Massachusetts Avenue. It includes 79 properties and looks to create a mixed use district with the intent to create a civic and vibrant gathering area. It would include small scale retail, mixed use with first floor retail/commercial areas and second floor living areas. It allows the reuse of existing buildings and the allowance of campus style buildings. Ms. Bertram stated the Planning Board worked very hard on this bylaw and she supports it. Mr. Toale stated he also supports it but has two concerns; the two story rule and the 5000 square foot floor limit for single retail use. He added the limit on 5000 square foot use could be considered a dimensional variance and could be moved from the prohibited list to an allowed use under special permit approval.

Mr. Ebersole stated he echoed the concept of the Planning Board being open to public comment and reaching out to the affected residents to inform them of the proposed zoning change and hearings. He was hesitant because it will change the town but is willing to live with it assuming it is a changed vision for the center and we should be able to design our own future.

Mr. Alonzo stated it is very vital because of the way this is changing the town zoning and he wants to see the APD to be approved too. He also thanked the Planning Board.

Mr. Toale reported a part of the discussion at the Building Reuse Committee meeting last night. They endorsed approval of both bylaw articles and that both articles are heard individually at town meeting by a vote 6 – 1.

Mr. Alonzo requested clear concise maps for town meeting for both articles from the Planning Board.

Motion: P. Bertram

To recommend approval of Article 27

2nd: J. Toale

Vote: All in Favor

Articles 28 through 33 are housekeeping articles to amend zoning bylaws, no recommendations are needed.

Motion: P. Bertram
To recommend approval of Articles 28-33

2nd: J. Toale
Vote: All in Favor

Article 36 proposes acceptance of Whitetail Crossing as a public way. Some final details on the road are being worked out and a recommendation can be made at town meeting. The Planning Board members and Land Use Director exited the meeting.

CURRENT BUSINESS

Unitil's Capacity for Additional Solar Projects

A resident had received a denial for installation of solar panels from Unitil because the circuits had reached capacity for accepting additional power back into the system. The only area that appears to be accepting power back is in the Whalom area. This places many Lunenburg residents at a disadvantage. The Board is talking with Unitil representatives and has also contacted Representative Benson about how to address this obstacle. It is a regulatory issue and Unitil is not in violation of any regulations.

Mike Conway, Vice President of the Massachusetts Technical Standards Review Group (TSRG), formed at the request of Massachusetts Department of Public Utilities, is the representative for solar and wind power. This issue was brought to their meeting last week. He stated there is a subcommittee being formed to investigate and come up with possible solutions. The next significant update will be out sometime in July.

Ms. Bertram stated time is of the essence as tax incentives expire by the end of the year. For Unitil to not invest their funds to upgrade their infrastructure or perform a study on what it will involve and pass this expense on to the individual homeowner is irresponsible.

Mr. Conroy stated the upgrade that we are dealing with is necessitated by generation out on Unitil's distribution circuit as opposed to a traditional grid model where you have everything flowing downstream from a single source. The upgrade is a function of power being generated out at the end of the line and coming back up towards the source. In terms of price allocation and justification, it wouldn't be something you would pin on Unitil as an upgrade that is consistent with feeder or service reliability. Unitil is not designing a system that is designed to enable power to flow in that (upstream) direction, so it is the responsibility of the distributor generation customer who is sending the power back to the substation, to mitigate the circumstances that they create. This is what's generating the \$250,000 price for the upgrade study that Unitil is referring to. Mr. Alonzo asked if there are different levels of upgrade. Mr. Conroy stated it is a one-time upgrade. Mr. Alonzo thanked Mr. Conroy for the update and asked if the minutes are posted online. Minutes are posted on

<https://sites.google.com/site/massdgic/home/interconnection/technical-standards-review-group>

Resident Greg Bittner stated this issue upsets him greatly. He wondered if this could have been anticipated and avoided. Mr. Alonzo stated the Board was only just informed when another resident found out they couldn't connect to the circuit. This is the first instance he knows of in the state of a utility company doing this. Mr. Bittner asked if the Board was going to inform residents about this. A suggestion was made to post a link to the letter sent out by Unitil on the town website. He asked if Green Community funding could be used to research this.

Mr. Alonzo stated the solution to this is complex; it is going to take several agencies talking together on how best to resolve this. This is not a solution that the Town of Lunenburg alone can solve.

Green Community Task Force member Dave Blatt wanted to clarify that the charge of the GCTF had nothing to do with solar. It was to have Lunenburg achieve a Green Community designation and obtain funding. The GCTF has been looking at energy upgrades for the town buildings.

The Board returned to reviewing ATM articles. Ms. Speidel stated articles 12 and 13 are collective bargaining contracts for Police Officers and AFSCME (employees union) previously considered by the Board.

Motion: B. Ebersole
To recommend approval of Article 12

2nd: P. Bertram
Vote: All in Favor

Motion: B. Ebersole
To recommend approval of Article 13
Ms. Bertram recused herself from the vote.

2nd: J. Toale
Vote: All in Favor except Ms. Bertram

Article 14 addresses the FY' 2016 Capital Plan. Mr. Toale distributed a handout with the recommendations of the Capital Planning Committee. It matches what is in the warrant. An additional recommendation from the CPC is to ask town meeting to rescind \$36,524 authorized under Article 14 of the May 2014 ATM, and in its place appropriate \$15,000 for replacement of the library gas burner and \$12,000 for an HVAC management system. The remaining \$9,524 should be used to partially offset the FY'2016 Capital Improvement Plan. These requests came at a later date as a result of the gas burner and HVAC breakdowns.

Motion: B. Ebersole
To recommend approval of Article 14 including the additional recommendation

2nd: P. Bertram
Vote: All in Favor

Ms. Speidel recommended reviewing articles 15 and 16 next. She also suggested changing reversing their order on the final printing of the warrant as article 15 is contingent on article 16 being approved. Article 16 is the fiscal year 2016 budget article. The budget has changed since the preliminary one was issued in February. Ms. Speidel reported there is an available surplus of \$129,578. The bulk of this is coming from a last minute update from the Assessors' office of an increase in new growth of \$145,000. The Finance Committee has made some recommendations for "above target" requests based on this additional surplus.

The Finance Committee recommended funding the Fire Department \$48,000 for coverage on Saturdays and Sundays from 6 am to 6 pm. Their next recommendation is to fund \$26,000 to Radio Watch for desk officer coverage from 3:00 pm to 7:00 pm Monday through Friday. Another recommendation was to increase the snow and ice account by \$15,000, bringing that appropriation up to \$275,000. Finance Committee recommendation is to fund the Library \$14,251 to cover additional utility costs. Another recommendation was to fund \$10,000 to Police Lockup bringing that appropriation up to \$70,000. Ms. Speidel stated the town spends about that amount annually on police lockup. \$9,849 was recommended to be added to vehicle maintenance to be split between the Police and Fire departments. Their final recommendation is to increase stabilization by \$6,478, which increases the amount to the 5% minimum requirement as a result of this additional spending. Mr. Alonzo asked if Ms. Speidel foresees any changes before ATM. She stated no.

Motion: P. Bertram
To recommend approval of the fiscal year 2016 operating budget

2nd: J. Toale
Vote: All in Favor

Ms. Speidel returned to Article 15 stating the amount to transfer to the stabilization account would now be \$97,923.00.

Motion: P. Bertram

2nd: J. Toale

To recommend approval of transferring \$97,923 to the stabilization account

Vote: All in Favor

Ms. Speidel reported Article 22 is still being reviewed by Town Counsel so a recommendation should be made at ATM. Article 23 and 24 are requests for ATM to approve perpetual easements across the school property for Boston Gas and Unitil utilities. While researching for town counsel, we were unable to locate town meeting action from the 1950s that transferred the property to the school committee, so Town Counsel has recommended including this in the final language of the article.

Motion: P. Bertram

2nd: J. Toale

To recommend approval of Articles 23 and 24

Vote: All in Favor

Ms. Speidel reported to date the town has received bond premiums in the amount of \$105,975.36. Article 25 appropriates those funds in order to reduce the authorized debt for the school project.

Motion: P. Bertram

2nd: J. Toale

To recommend approval of Article 25

Vote: All in Favor

Other articles will be reviewed next week.

Ms. Luck reported the Sentinel & Enterprise had an article stating the Lunenburg Water District voted in favor of a proposal that will allow N. Lancaster to connect to their water infrastructure system. The next step is for legislation to be passed based on Lunenburg's Home Rule Petition. She proposed inviting in the Water District board and asks how this would affect Lunenburg. Ms. Bertram concurred. Mr. Ebersole suggested the Water District board also cover economic development potential in Lunenburg as well. Ms. Speidel will invite the Water District board to a future meeting.

Mr. Toale reported Executive Assistant Peterson is issuing reappointment forms for annual committee members. He stated he was unclear on the terms of members at large on Capital Planning and Building Reuse Committees and was looking for guidance. Mr. Alonzo stated the term for any ad hoc committee would be one year.

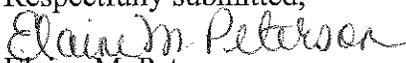
Ms. Bertram reported she and Ms. Luck recently attended a seminar on how to form a storm water utility. It was noted by EPA that the regulations will be out this summer. One of the items covered is how to develop an action plan. She suggested revisiting a 2007 report in order to work on that plan. She also stated Remote Sensing is recommended utilizing existing GIS systems. She thought this be might something we could approach MRPC about.

Committee Reports: Board of Health – no report; **Building Reuse Committee**- they reviewed the APD and VCD articles and recommend them; reviewed property lines for the properties they are responsible for and these were distributed to the Board this evening. They will use these drawings for future discussions. They are meeting with the School Committee on April 30th. They also reviewed two relative Capital Plan requests; Town Hall painting which is not going to

be funded and was of some concern to the committee, and the other was the Municipal Offices Feasibility Study which will be funded. **Capital Planning Committee**-they met on March 31st and you have seen their recommendations. **Finance Committee**- met on April 2 and you saw their suggestions earlier. **Library Board of Trustees** –held a special meeting at which Mr. Ebersole and Ms. Speidel attended to go over their budget needs and what we included tonight, They are fully open again and activities are rebounding. Mr. Alonzo wanted to thank the Library for hosting a sendoff for Kate McCarron who is retiring. **MPO**- meeting tomorrow at 1:00 p.m. with a presentation on the Summer St. project, Ms. Bertram is not sure we have met all the milestones for the public hearing, which is at the end of May. **Planning Board**- no report, **PACC**- they met last night and adopted their budget, they are working on their policies and approved equipment purchases to upgrade the studio here. They are seeking two more committee members. **School Committee**- met on April 1st, they presented a level service budget, which is still \$100,000 over the Town Manager’s recommended budget **School Building Committee**-meets tomorrow; **Sewer Commission**– met last week, they are continuing to work on grease trap compliance and things are moving on schedule for Pratt St. and Lakeview Ave. extension. **Town Manager Reports/Department Reports**- no report
Mr. Alonzo asked Mr. Toale about Memorial Day. More information to come later. Mr. Alonzo wanted to correct that the last day to register to vote is actually April 10th not the 13th.
Public Comment: Greg Bittner asked if the playground is part of the Passios grounds. Mr. Toale reported the playground is not part of the building reuse committee’s charge. It will remain school property. Mr. Bittner stated he cannot record public meetings to his dvr. This should be something that should go to Comcast during license negotiations not the PACC.

Motion: P. Bertram
To adjourn the meeting at 9:45 p.m.

2nd: J. Toale
Vote: All in Favor

Respectfully submitted,

Elaine M. Peterson
Executive Asst. To Town Manager