

TOWN OF LUNENBURG
Office of the Planning Board

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Adam R. Burney
Land Use Director

Minutes
Public Hearing
Special Town Meeting Warrant Articles
July 25, 2016

Posted: Yes

Place: Town Hall, 17 Main Street, Lunenburg, MA

Time: 6:35 PM

Present: Matthew Allison, Damon McQuaid, Gregory Bittner, Kenneth Chenis, David Prokowiew, Adam R. Burney

Clerk G. Bittner opened the Hearing with the reading of the notice published in the Sentinel and Enterprise on July 11 and July 18, 2016. The Hearing was to amend the Protective Bylaw of the Town of Lunenburg by deleting only the letter "c." under Section 4.17. Village Center District, Subsection 4.17.5. Use Provisions and re-letter accordingly, by deleting the word "grated" and replacing it with the word "granted" under Section 8.4. Site Plan Approval, Subsection 8.4.2.1.e), by deleting Section 4.12. Lake Whalom Overlay District in its entirety, by deleting all references to Whalom Overlay District in Section 3.0 Establishment of Districts, Subsection 3.2.1. and deleting "l) Whalom Overlay District" under Section 3.1. Types of Districts and re-letter accordingly, by deleting "fifteen (15)" in Section 3.1. and replacing it with "fourteen (14)", by deleting "Lake Whalom Overlay District" under Table of Contents, Section 4.0. Use Regulations, Subsection 4.12. and replacing it with "repealed", by deleting "May 2, 2015" and replacing it with "August 8, 2016" under Section 3.0 Establishment of Districts, Subsection 3.2.1., by revising the Zoning Map approved at May 2016 Town Meeting to delete the Lake Whalom Overlay District.

Article XXXX To see if the Town will vote to amend the Zoning Bylaw, Section 4.17, Village Center District, by re-lettering Section 4.17.5 (d) as 4.17.5 (c), or take any action relative thereto.

- e. Special Permit Approval Criteria – The Zoning Board of Appeals shall act upon all applications after notice and public hearing, and after due consideration may grant such a special permit provided that it finds the proposed use:
- a. Is in harmony with the purpose and intent of the Bylaw and will promote the purposes of the Village Center District.
 - b. The use is in harmony with those of the abutting properties and the Village Center District as a whole.
 - c. All applicable standards for use, parking, and dimensional requirements are met;
 - d. All applicable design standards listed in Section 8 are met.
 - e. Where multiple structures are proposed, the site design reflects a thoughtful arrangement of elements that will facilitate the movement of pedestrians between structures through the use of sidewalks, internal walkways, alleys or open space features.
- c. The following uses are prohibited in the Village Center District
- 1) Newly constructed One-story buildings on lots of less than 5 acres.
 - 2) Retail operations with more than five thousand (5,000) square feet of gross floor area on any individual floor, except for reuse of buildings existing prior to 1 May 2015, with footprints greater than five thousand (5,000) square feet.
 - 3) Drive through establishments, excluding those expressly allowed by Special Permit.

Article XXXX To see if the Town will vote to amend the Zoning Bylaw, Section 8.4, Development Plan Review, by deleting, in Section 8.4.2.1 (e), the word 'grated' and inserting the word 'granted' and by deleting, in Section 8.4.9.1, the word 'Review' and inserting the word 'Approval', or take any action relative thereto.

8.4.2. Applicability

8.4.2.1. Projects Requiring Site Plan Review

- a) New construction or exterior expansion of any non-residential building or multi-family dwelling containing more than four (4) units. "Expansion" shall include a floor space increase of 5,000 square feet or 25% or more within any ten (10) year period, whichever is less.
- b) The construction or enlargement of any multi-family dwelling containing more than four (4) units, or buildings accessory to such dwellings, including such dwellings on contiguous lots under the same ownership.
- c) The construction, rehabilitation, of a building involving ten (10) or more parking spaces.
- d) The construction, reconfiguration or renovation of parking facilities, with the exception of normal maintenance.
- e) Any use designated that is ~~grated~~ granted a Special Permit or Variance by the Zoning Board of Appeals.
- f) Any change of use within an existing building or site.
- g) Any child care facility.

8.4.9. Rules and Regulations

8.4.9.1. The Planning Board may adopt such rules and regulations for carrying out its duties under this Section. The Board may, where such action allowed by law, in the public interest and not inconsistent with the purpose and intent of this Bylaw, waive strict compliance with any requirement of this Site Plan ~~Review~~ Approval Bylaw or its rules and regulations.

Motion, K. Chenis, Second, D. McQuaid, to endorse the Scrivener's Errors covered by the two articles noted above, all aye.

Article XXXX To see if the Town will vote to amend the Zoning Bylaw, by deleting the entirety of Section 4.12 Whalom Overlay District, or take any action relative thereto.

Article XXXX To see if the Town will vote to amend the Zoning Bylaw, Section 3.1, Types of Districts, by deleting, the word "fifteen" and inserting the word "fourteen" and by deleting, Section 3.1 l) Whalom Overlay District and adjusting the remaining as follows l) Tri Town Smart Growth District m) Summer Street Revitalization Overlay District n) Village Center District, or take any action relative thereto.

3.1. Types of Districts

The Town of Lunenburg is hereby divided into ~~fourteen (14)~~ fifteen (15) types of districts designated as:

- a) Residence A
- b) Residence B
- c) Outlying
- d) Recreation
- e) Commercial
- f) Limited Business/Residential District
- g) Retail Commercial District
- h) Route 2A Overlay District
- i) Office Park and Industrial District
- j) Flood Plain District
- k) Water Supply Protection District

- l) Tri Town Smart Growth District
- m) Summer Street Revitalization Overlay District
- n) Village Center District

Article XXXX To see if the Town will vote to amend the Zoning Bylaw, 3.2.1 Location of Districts, by deleting reference to the Whalom Overlay District, and by deleting May 2, 2015 and inserting August 8, 2016, or take any action relative thereto.

3.2. Location of Districts

3.2.1. Said Districts, except Flood Plain Districts, Water Supply Protection Districts, Route 2A Overlay District, ~~Whalom Overlay District~~, and Tri Town Smart Growth District hereinbefore referred to are located and bounded as shown on a map entitled "Revised Protective Bylaw Map of the Town of Lunenburg, Massachusetts", dated ~~May 2, 2015~~ August 8, 2016, signed by the Planning Board and filed with the Town Clerk, which map, together with all explanatory matter thereon, shall be deemed to accompany and be a part of this Bylaw. The Flood Plain District location described in Section 4.8.2., Water Supply Protection District described in Section 4.9., Route 2A Overlay District as described in Section 4.10., ~~Whalom Overlay District as described in Section 4.12.~~ and Tri Town Smart Growth District as described in Section 4.13.

Article XXXX To see if the Town will vote to amend the Zoning Bylaw Table of Contents, by deleting the words Whalom Overlay District and inserting Repealed, or take any action relative thereto.

SECTION 4.0. USE REGULATIONS

4.1.	Application of Use Regulation	1 – 5
4.2.	Residences and Outlying District Uses	1 – 8
4.3.	Recreation District	1 – 4
4.4.	Limited Business/Residential District	1 – 4
4.5.	Retail Commercial District Uses	1 – 3
4.6.	Commercial District Uses	1 – 7
4.7.	Office Park and Industrial District	1 – 3
4.8.	Flood Plain District Uses	1 – 2
4.9.	Water Supply Protection District	1 – 10
4.10.	Route 2A Overlay District	1 – 2
4.11.	Phased Growth	1 – 3
4.12.	Repealed	1 – 2
4.13.	Tri-Town Smart Growth District	1 - 13
4.14.	Summer Street Revitalization Overlay District	1 – 4
4.15.	Solar Energy Systems	1 – 9
4.16.	Registered Marijuana Dispensaries	1 – 4
4.17.	Village Center District	1 – 9

Article XXXX To see if the Town will vote to amend the Official Zoning Map, by deleting the Whalom Overlay District, or take any action relative thereto.

K. Chenis inquired as to the ramifications of repealing the Lake Whalom Overlay District (hereinafter referred to as "Overlay"). The Emerald Place at Lake Whalom development has a valid permit and will continue to enjoy the benefits of the Overlay as long as it continues progress on the project. With removal of the Overlay, the benefit of future development under the Overlay would disappear.

Gary Crossen, Principal, Emerald Place Development Company- Wants to protect the commercial parcel on the other side of Electric Avenue. Concerned that if the Article passes, it would decrease the density available to them for commercial purposes and negatively impact the development of the property. Emerald Place Development Company intends to move on to the commercial piece next year once the residential units are complete. A. Burney responded that the commercial parcel is part of the Special Permit, which continues to be valid.

Jim Xarras, owner of 274 Prospect Street- Had a plan before the Board for 274 Prospect Street which he had withdrawn. His plan was to return to the Board with a new developer and plan under the Overlay. He opined that the Board is having a “knee jerk” reaction to his plan by attempting to remove the Overlay. He asked the Board to reconsider the Article to remove the Overlay.

The Board’s response was that it was not a “knee jerk” reaction to a developer, but that the Overlay bylaw was poorly written and difficult to interpret and understand.

A. Burney suggested that the Board continue with the Article to delete the Overlay, but consider developing a new Whalom Overlay District with new boundaries which could be presented at Town Meeting May 2017. It could address some of the shortfalls in the current Overlay Bylaw.

Motion, D. McQuaid, to close Hearing, Second, G. Bittner, all aye.

Hearing closed 8:05 PM

Documents used at hearing:
Zoning Warrant Articles