

# **LUNENBURG PLANNING BOARD**

## **TOWN OF LUNENBURG**

Emerick R. Bakaysa, Chair  
Joanna L. Bilotta, Vice Chair  
Thomas W. Bodkin, Jr., Clk.  
Robert J. Saiia, Mbr.  
Nathan J. Lockwood, Mbr.  
Marion M. Benson, Planning Director



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Public Hearing Minutes  
Town Meeting Articles  
April 11, 2011

Meeting Posted: Yes

Place: Town Hall, 17 Main Street, Lunenburg, MA. 01462

Time: 6:30 PM

Members Present: Emerick R. Bakaysa, Chair, Joanna L. Bilotta, Vice Chair, Robert J. Saiia, Thomas W. Bodkin, Jr., Nathan J. Lockwood, Marion M. Benson, Planning Director

Chair opened the Public Hearing at 6:30 PM by a Motion to open the Public Hearing for Zoning Articles, Mr. Saiia, Second, Mr. Lockwood, Motion passed.

Chair read the legal notice published in the Sentinel & Enterprise on March 28 and April 4, 2011.

The Public Hearing was to hear a petition for zoning change at 134 Leominster Shirley Road, Map 146, Parcel 26, owner Tradex Corp., Charles Gitto Jr., 18 Nancy Court, Leominster, MA from Office Park and Industrial to Commercial, and amend the Zoning Bylaw by deleting current Section 4.6.5. Limitations Upon Use and replace with a new Section 4.6.5. Design Standards. Notice of said hearing was duly posted in the usual posting places. Notices were sent to abutting Towns, Cities, agencies and Town departments.

Article X. To see if the Town will vote to approve a zoning change from "Office Park and Industrial" to "Commercial" land described as a parcel currently designated as: Block 26 on the Assessor's Map 146 together with the "southerly half of Leominster Shirley Road where it abuts said parcel and the easterly half of Pioneer Drive where it abuts said parcel. Parcel described as a certain tract of land, situated in Lunenburg, Mass at the southeasterly corner of Leominster-Shirley Road and Pioneer Drive, Said tract being particularly described as beginning at the most northwesterly corner thereof, at the intersection of the centerline of Leominster-Shirley Road with the centerline of Pioneer Drive, said corner being situated at the current boundary of the "Commercial" zoning District; thence easterly 660 feet, more or less by the centerline of Leominster-Shirley Road and partly by the current boundary of the "Commercial" zoning district to a corner at the extension of the westerly boundary of Land now or formerly of 140 LBURG, LLC, said land being situated on, the southerly side of Leominster-Shirley Road; thence southerly 426 feet; more or less crossing Leominster-Shirley Road and by the westerly boundary of said land now or formerly of 140 LBURG, LLC to a corner at the northerly boundary thereof; thence westerly 227.85 feet by the northerly boundary of said land of 149 LBURG, LLC to a corner at land now or formerly of Star Realty Trust; thence northerly 52.27 feet by the easterly boundary of said land now or formerly of Star Realty Trust to a corner at the northerly boundary thereof; thence westerly 296 feet, more or less by the northerly boundary of said land now or formerly of Star Realty Trust and by the extension of said boundary to a corner at the centerline of Pioneer Drive; thence northerly 485 feet, more or less by the centerline of Pioneer Drive to the point of beginning. Or taken any other action relative thereto. *Submitted by Petitioners.*

Petitioner, South Coast Development LLC, Harvard, MA, was represented by Anthony Cleaves, Whitman & Bingham Associates LLC. The site is surrounded by Office Park/Industrial District, but there is a strip of Commercial District across Leominster-Shirley Road. Mr. Cleaves noted that under present Industrial District zoning, the site is limited for large usage by the nature of the site. It contains over an acre of wetlands, plus the no touch zones and buffer zones associated with the wetlands, so it would be difficult for a large manufacturer. It is more conducive to commercial use, i.e., a smaller building.

No questions from the Board.

Stephen Quill, 40 Pioneer Drive, spoke as an opponent. There are numerous tractor trailers daily on Pioneer Drive and with the building of Orchard Hill Park Plaza traffic has expanded considerably. If the site is rezoned and developed with a possible gas station, this will create additional traffic. He felt the site was large enough for industrial use. Also, there is currently little need for security at his facility, Ecological Fibers Inc. He felt a gas station that is open late at night would increase the need for security.

David Brooks, Champa Realty, who is the Site Broker, spoke as a proponent, stating that he has tried to market as an industrial site for over two years from \$800,000 to \$200,000 with no success. Any interested individuals wanted it for commercial use. The current potential buyer owns seven HESS stations.

Chair wanted the audience to be aware that this Hearing was for a zoning change for any allowable uses that qualify under Commercial District; not specifically just a gas station.

Ms. Bilotta asked Mr. Cleaves for clarification of non-useable land area; she thought there were 2.5 acres. Mr. Cleaves noted that there is one acre of wetlands, plus the 30 foot no touch, and buffer zones which probably totals 2.5 acres of non-useable land.

Mr. Lockwood inquired if a preliminary traffic study had been done. Mr. Cleaves responded that the amount of traffic and peak times will be affected by the type of use. If the zoning change passes at Town Meeting, a Development Plan Review will be initiated and traffic studies will also be involved.

Thomas Castell, 25 Leominster-Shirley Road, inquired as to which town/city would be supplying the utilities. Mr. Cleaves responded that water and sewer would come from Leominster.

Hearing on the above closed at 6:50 PM.

Chair read below Article.

Article \_\_\_\_\_ To see if the Town will vote to amend the Zoning Bylaw by deleting current Section 4.6.5., "*Limitations Upon Use*", and replace with a new Section 4.6.5. "*Design Standards*," as follows:

#### 4.6.5. DESIGN STANDARDS

4.6.5.1. Purposes. The purposes of this Section are:

- a) To assure development which is compatible with the existing architecture of the surrounding buildings and the character of the surrounding area and that of the Town.
- b) To protect the environment.
- c) To enhance rather than detract from the quality and character of the Town.
- d) To preserve and enhance property values.

4.6.5.2. Standards. In addition to requirements contained elsewhere in this Bylaw the following design elements shall pertain in the Commercial District and, where applicable, shall be reviewed and approved by the Planning Board in connection with Development Plan Review under Section 8.4.

- a) Occupied Lot Area.
  1. The gross floor area of all buildings and structures on a lot shall total not more than sixty (60) percent of the total lot area.
  2. The total area on any lot devoted to building, outdoor storage and display, and other paved hard surface areas may occupy up to twenty-five percent (25%) of the total lot area.
- b) Building Location and Utilities.
  1. The Building shall face the street on which the lot obtains its frontage unless otherwise approved by the Planning Board.
  2. If there is more than one building on the site, the siting shall be approved by the Planning Board, pursuant to the procedures outlined in Section 8.4., and there shall be sidewalk connections between the buildings.
  3. All utilities shall be placed underground.
- c) Building facades, materials and roof lines shall be consistent with the existing architecture of the surrounding buildings and the character of the surrounding area within the District and that of the Town.
- d) Flat roofs are prohibited unless approved by the Planning Board.
- e) Facade and roof colors shall be appropriate to the area and consistent through the site except corporate signs approved under the Development Plan Review.
- f) The principal building(s) shall be connected to Town water and sewer where readily available and accessible.
- g) Lighting, signage and architectural style shall be consistent with other uses in the District unless an alternate design, which the Planning Board determines better serves the purposes of this Section, is approved by the Planning Board under the Development Plan Review.
- h) LEED (Leadership in Energy and Environmental Design)

1. Compliance with the U.S. Green Building Council's LEED Certification Program to the extent practicable is encouraged.
- i) Interior Streets, Drives, Walkways and Access.
  1. Site access shall be a divided way (one way in and one way out).
  2. Surfaces shall be pervious when possible and practical, shall be of consistent throughout the project, and approved by the Planning Board.
- j) Parking and Loading Area.
  1. Parking shall be in the rear of building(s) and not be visible from the street line wherever possible.
  2. All loading docks shall be to the rear of the building(s) and not visible from the street.
  3. All paved areas shall be separated from the lot line setbacks by a four (4) foot landscaped area of indigenous shrubs or other suitable plantings so as to provide a buffer.
- k) Sidewalks.
  1. Sidewalks shall be provided from the street line and from the parking areas to building(s).
- l) Screening.
  1. Screening of the site shall be by a four (4) foot landscaped strip at the rear and side lot lines of materials approved by the Planning Board.
  2. Additional landscaping and screening may be required by the Planning Board during Development Plan Review where the Planning Board deems such additional screening appropriate in order to serve the purposes of this Section.
- m) Landscaping.
  1. There shall be a minimum of a four (4) foot landscaped area along of the street frontage and along the front and side of the principal building(s) and plantings of indigenous materials along the facades of the building(s) and between the building(s) if there is more than one principal building on site.
  2. Such landscape shall be a type and height that does not interfere with site lines of drivers.
  3. Existing natural features of the site shall be retained to the extent possible.
  4. A landscape plan shall be provided and approved by the Planning Board for any proposed use subject to Development Plan Review.
- n) Street Furniture.
  1. Light fixtures shall be designed to appropriately blend within the district and be of number and height that grants plentiful lighting, but not shine on adjacent property.
  2. Lighting must also be placed on the side and rear of the building and shall be approved by the Planning Board, where applicable, under Development Plan Review.
  2. Fencing must be constructed on the side and/or rear of the building(s).
  3. Outdoor tables, benches, and bicycle racks shall be of a style consistent with the principle use(s) of the site and consistent with the character of the surrounding uses within the District.
  4. Trash receptacles must be of a size and style that provides proper usage.

#### *Reasoning*

*Zoning Bylaws are the base of a community's present and future sustainability. It behooves a community to examine their bylaws periodically and update them to best establish sustainable development practices. This new section of 4.6.5., entitled Design Standards incorporates the purpose. The purpose strongly promotes the latest thinking in planning by placing the contexts of development standards in tune with the basic desire of the citizens to keep their community as an appealing place to live and work.*

*By starting with Design Standards in the Commercial District, the Town is declaring clear and precise guidelines as to building design with appropriate materials, lot placement, and relating commercial development both visually and physically with surrounding land use areas. Design elements encourage indoor and outdoor energy conservation and assist in creating, through amenities, a sense of community.*

*The Planning Board's intention is to update all the Zoning Bylaws. Each bylaw, as the one presented today, will have a purpose description, and, where appropriate, a section entitled DESIGN STANDARD. This will preserve and enhance the New England character of our Town and protect property values.*

*Upon completion of this procedure, a handbook will be written that will bring together all design guidelines. This handbook will be available in written form and on our Website.*

Mr. Lockwood commented that he felt Section H should read "Council's" instead of "Counsel's". Director to verify with Town Counsel. Mr. Lockwood was appreciative of the Reasonings being provided, but felt that more attention was given to sustainability goals than aesthetic goals, and felt that both should be of equal importance.

Mr. Bodkin Jr. stated that the rationale to the Design Standards was to provide the Town with a lever of control over its "Gateway" and what it will look like aesthetically.

Chair noted that planning is a ten to twenty year vision. Leominster-Shirley Road is a Gateway to the community. The Design Standards takes a step to provide that control to stay within the rural characteristics desired by the community.

Motion, Ms. Bilotta, to close Public Hearing and return to the Planning Board meeting, Second, Mr. Saiia, Motion passed.

Hearing closed at 7: 05 PM.

Copies of Petitions and proposed Zoning Bylaws changes were provided at Hearing.

Audio and video recording on file in the Planning Office.

minutes/publichearings2011/TownMtgArt4-11-11