

Minutes: Selectmen's Meeting – Monday, March 19, 2012

Present: Chairman Walter F. Alterisio and Member Kenneth J. Leva; Daniel F. Devlin, Clerk and Procurement Officer absent

The Meeting was called to order at 7:00PM with all members present.

Usual housekeeping items on agenda – minutes, mail, etc. Discussion re: 17 Pleasant Street @7:15 with Attorney George Eliades & Walter Cahill accompanying Mr. Parikh, then Selectmen's budget and discussion of replacement for Chief Rich.

Minutes of 3/12 were tabled for future meeting with full board; board looked at Selectmen's budget with Chairman Alterisio recording the requested amounts and will address later.

Chairman Alterisio advised that a call was received at Town Hall requesting Goss Farm operations on the Board's agenda in response to abutters correspondence a few weeks ago expressing concerns for projected operations for this spring. Rich advised that he's spoken with Goss attorney and is trying to get assurances from him that it will not happen. Chairman Alterisio reflected on previous meeting with Mr. Goss and the abutters and advised that must put on a upcoming agenda – possibly next week. Chairman Alterisio would like to see it on the agenda for next week as would the abutters.

At 7:15PM, the board met with Jay Parikh of R & R Holdings, new owner of 17 Pleasant Street, former Convenient Mann and his attorney proposal for a like type of operation on the property. Chairman Alterisio noted the issue as he understands is the grandfathering clause – what is grandfathered and what isn't. Chairman Alterisio advised that almost everything under the sun has happened at that property – has photos with a gas station there, can recall outdoor movies on that property when under ownership of Brow back in the 30s. Purpose is to determine which activities might qualify on the property. Building Inspector has been invited to join the discussion. Rich advised he'd suggested on an earlier meeting that Mr. Parikh engage counsel – and interested in looking into background and baseline for operations at that location. Rich further advised he'd spoken with Gerry Simmons & his son David and Bob Kennedy who helped provide the baseline.

Mr. Eliades & Mr. Cahill appeared before the board and advised that Town Counsel was very helpful in researching background required for establishing baseline. He advised that Jay and his wife Amy are very reputable and have owned the Dunstable General Store for some time now – not just investors are also very supportive of the town; have now purchased Convenient Mann with intention of continuing operation and intent to upgrade property – 1st and foremost want to renovate and improve its appearance. He's visited the store and noted there was a pretty full menu served there – convenience items, all over the place menu including pizza, multiple sandwich choices, etc. Thinks it will be good for the community to upgrade and make the

Minutes: Selectmen's Meeting – Monday, March 19, 2012

investment in the property and continue the pre-existing use of the property. One other thing, obviously are issues that relate to handicap access which will be addressed to meet requirements. Mr. Eliades indicated it should also be noted that, after speaking to Amy would like to maintain the hours previously maintained by Convenient Mann. Jay advised that he recalled discussions with individuals who indicated the Convenient Mann open from 5AM – 10PM. Dana recalled 6AM-9PM for the general. He's suggesting different hours @17 Pleasant Street- will try to compliment the items that aren't carried at Dunstable General – meats, etc. Suggested hours would be 5AM-10PM as had been maintained previously by the Convenient Mann. They hope to be able to do that, will work with Mr. Barnes to address handicap access, etc. and meet requirements. Chairman Alterisio indicated it appears the lineup would suggest more of a restaurant – would there be seating – no public restrooms right now, will have one and insure it is handicap access. Will make any accommodations required. Chairman Alterisio – other issue is the parking – area in the back of the building but for most part everyone is using parking that abuts police – no problem as long as it doesn't inhibit the police operations.

Dana indicated he thought that BOH had placed limitation on previous operations for 6 persons seating. Mr. Parikh advised he'd heard there were septic issues that must be corrected as well – it will determine how much seating can be included. Mr. Parikh indicated he has no intention of expanding the commercial use to the present rental area – food services will be using paper plates and plastic silverware. He intends to maintain the building to be appropriate – will be working with builder/architect, etc. as necessary to address construction issues. Dana advised that until have seen a set of drawings, including septic approval, can't make a decision on what will be permitted. They would like to clear issue tonight, grandfathering and move forward with Mr. Barnes on the permitting requirements. The applicant is intending to keep the property with historical esthetic appearance with no major changes – upgrading and addressing deficiencies of the structure. Chairman Alterisio advised the Board would be interested in some sort of presentation if any façade changes are intended. He also noted a fair amount of work had been done on the face of the building before Convenient Mann shut down. Discussion continued on the structural and remedial issues needed. Basically looking at the replication of Convenient Mann with structural changes where necessary and basic menu – would like to open in a couple of months but doesn't appear to be practical. Mr. Parikh indicated he has to address equipment, etc. to insure sufficient for the operation. They projected possible opening in the summer. Selectman Leva noted appreciation that they came in to let the Board know and be part of the process and planning for the project. Chairman Alterisio also expressed his appreciation for keeping the board in the loop and moving forward.

Rich advised it seems like what they want to do – authority of the Building Inspector or Selectmen to control what's going on here is different from down the road with the gas station – the difference being that the gas station

Minutes: Selectmen's Meeting – Monday, March 19, 2012

came in with a special permit under the 1947 zoning. When came back for refresher was going back to the initial permit – this operation however appears to have been grandfathered as it existed pre-zoning and didn't need a permit. From start to finish a lot has gone on there – pretty much been a variety store with a little food from the beginning. Assuming it's a grandfathered operation as he presents, and wanted to change, remedy is not a permit as with the others, but to go the ZBA for a finding. He indicated that the well of authority that town has to control the other operation isn't the same here at 17 Pleasant. Board was supportive of working with Mr. Parikh to move forward. Dana suggested research into some supporting documentation of the hours of operation from the prior operation – Convenient Mann. Discussion continued on how the hours might have been determined and flexibility that may or may not be available and the impact it might make on abutters, residents, etc. in the neighborhood. Because it's a grandfathering thing, the asserting officer, the zoning officer would make determination and appeal would be to ZBA.

Chairman Alterisio advised he's been there – shut down at 8:30PM – if now wanted to stay open until 10PM. Dana agreed with Selectman Leva, wants to see them have the opportunity to be successful but if can't find it in writing, will need to work with Building Inspector and ZBA where necessary.

Board will schedule Goss Farm discussion for 7:15PM next Monday, the 26th of March.

Chairman Alterisio addressed item of Fire Chief's replacement for 3/30; call now is whether last period has convinced the board that town can support full time chief – issue of interim appointment as opposed to permanent appointment. If not full time, will need to recreate or put program together for hours of operation. To the appointment itself, Chairman Alterisio was impressed with quality of applicants, their commitment to town and approach. Chairman Alterisio would ask that consider Selectman Devlin be part of the discussion – tabled to next week but can't go past Monday – post for 1PM on Thursday. At same meeting can finish off budget requests.

Chairman Alterisio advised his opt would be the repair of the damages at Town Hall should not be part of a recurring budget but rather a warrant article. Chairman Alterisio noted reports on expected article from School District for establishing a stabilization fund. Chairman Alterisio referenced the E & D account which by MGL cannot exceed 5% - is this a way to subvert that condition. In terms of agreement, structured at 75% - 25% based on enrollment – how conducive is this initiative with the present agreement. Board confirmed that school committee is aware of deadline for warrant articles. Board further speculated on the possible reasons for request, etc.

Chairman Alterisio read Town Clerk's public announcements – including notice for upcoming elections, registration requirements, etc. and noted

Minutes: Selectmen's Meeting – Monday, March 19, 2012

some of the comments received from residents relative to noise level of the broadcast, etc.

Selectman Leva provided motion and the Board voted to re-appoint Evelyn Metzler as Registrar April 2012 to March 2015 per request from Town Clerk, Carol A. Skerrett.

Once the board had confirmation on willingness to continue in the position, Selectman Leva provide motion to nominate Michael F. Palumbo as Animal Inspector for May 1st 2012 to April 30, 2013 – annual appointment – voted with both in favor. Secretary will insure required paperwork is submitted to MDAR.

Secretary noted warrant article request from Fire Chief for replacement extrication tool @\$5995 and board questioned whether it should be part of the budget or a separate article. Secretary was asked to put placeholder for it in the warrant.

Secretary was asked to include an announcement on cable channel relative to invitation to Saturday's presentation by BOS & Governance Committee – encourage good attendance to sit down and review and participate in discussion.

Treasurer's warrants were reviewed and signed and the meeting adjourned at 8:25PM after appropriate motion and vote.

Respectfully submitted,

Danice N. Palumbo,
Board Secretary