

**Town of *Dunstable* Selectboard
Meeting Minutes
November 5, 2014
Town Hall, Dunstable, MA 01827**

Convened: 7:01 pm

Present: Walter F. Alterisio, Chair, Kenneth J. Leva, Daniel F. Devlin member; Madonna McKenzie, Town Administrator; Leo J. Tometich, Chair, Nancy Chaney, member, Zoning Board of Appeals; Dana Kinne, Roads Commission; Richard Larkin, Town Counsel; Attorney Deschenes and his client

Selectboard Reviewed & Signed the Following:

- Payroll & Vendor Warrants

Open Forum

Mr. Alterisio explained the agenda and the role and purpose of the public forum. He outlined the continuation of the public hearing on the application concerning the Alexander Estates permit as well as some of the budgetary and other items on the agenda this evening.

Public Hearing – Alexander Estates Continued

Mr. Alterisio turned the Chair over to Mr. Leva. Mr. Leva reviewed the previous hearing and the different groups the Board heard from during the course of the process. He explained how the orders of condition have been concurred with as to the Roads Commission (specifically the bond), he listed the limits on the trucks, the hours of operation, incoming traffic and how the traffic will travel (what street it starts on and what street it exits). Ms. McKenzie asked for clarification on hours and how it would impact the school bus schedule. Mr. Leva and Mr. Devlin agreed that the start time would not be allowed before 8:30 am and that this should account for school bus concerns. The only bus that would be at issue is the Kindergarten bus at 12pm, but the Board feels this is workable.

There was question of counsel as to whether the permit may be revisited every year or only on a permit-by-permit basis. Can the orders of condition allow this? Mr. Larkin told the board that if they issue the permit they must consider what it is for. The idea as explained by Mr. Alterisio is to see if the permit could be for the extent of the project as long as they don't exceed the permit limit and allow the Board to have baselines each season and create conditional rules. Mr. Larkin said this is specific earth that is excavated, and thus you issue a permit to do something with the earth that they are applying for. Mr. Rider noted that the by-law is not clear on whether the amount to be taken out for cellar holes is included in the limit per permit to be taken out of the land.

Ms. McKenzie clarified that the permit application is for the actual roadway. She also noted that the by-law appears to permit the cellar hole removal without this permit, but perhaps not the septic system. Attorney Deschenes noted that each lot is permitted to remove 150 cubic yards of earth associated with the septic system and the cellar hole. They are specifically asking to remove less than 5,000 (the limit per permit). This covers the material that has specifically excavated for the public roadway. Mr. Devlin noted that what they had to do for the roadway was required by the Planning Board. It is not projected that all 11 houses will be built at once, but more like 3 or so a year. For the emergency roadway, Attorney Deschenes admits that his client will likely have to come back for another permit for that specific earth removal. Mr. Larkin says the by-law is ambiguous in such as the 150 per lot removal be included in the 5,000 total, but it can also be read such that it does not include that. He went on to explain some of the history behind the by-law.

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He says that the Board is allowed to impose a reasonable interpretation on this by-law and suggests the Board treat the roadway and its cuts and fills in the 5,000. But not consider the removal for the septic and cellar holes. There was further discussion of whether to include within the conditions that periodic reviews be included. Mr. Larkin essentially said that yes they could.

Mr. Leva returned the Board to the issue at hand and the fact that the permit concerns specifically the roadway not the other issues. Attorney Deschenes told the Board that they simply want to remove only materials concerning the roadway. He suggested the Board limit the permit to one year, noting that his client could remove most of the materials within a year, and noted that the Board could reserve the right as a condition that if this process causes disturbance to the public, that the Board would be able to pull them back in to resolve the issue. Attorney Deschenes disputed the claim the by-law was ambiguous and explained his position. He noted there are 3 exemptions within the by-law and explained that the aggregate clause for the 5,000 can't possibly include this or it would essentially guarantee that developers would exceed the limit. There is no logic in that he argued.

Mr. Tometich, ZBA Chair, noted that this is a single permit for one purpose and said the emergency road would be a separate issue and should be a separate application. The emergency access road issue was not originally anticipated by Attorney Deschenes, but he essentially agreed with the ZBA, and noted that there is an allowance for town removal on town property of gravel and reminded the Board that some of this land will go to the town ultimately.

The Town Engineer, Mr. Rider, explained why the emergency access roadway is required and he went into a few of the requirements of the Fire Dept. concerning it. Mr. Rider explained the roadway and the stabilizers needed for it. He reported that by and large the roadways appear to be in the way they should be. Attorney Deschenes admitted that final grading and stabilization could possibly add to the need for removal, but reminded the Board that this fact is why he wants the finding to be about 4,500 so there is room under the 5,000 limit.

Findings & Conditions of the Permit

Discussion was closed and the Board made the following specific findings and conditions regarding a permit for the earth removal from the land in question and formally closed the hearing.

Findings:

1. The Board found the application qualifies under the existing Dunstable Zoning By-Laws, Section 15.1 Earth Removal requiring a Special Permit used by the Board of Selectmen.
2. The Board found the applicant has a subdivision plan as approved by the Dunstable Planning Board, dated April 30, 2014 in the R-1 zoning district. Section 15.1.4 provided for the removal of up to 5,000 cu.yds. in any one year.
3. The Board found the applicant submitted, as required by the Board of Selectmen, all elements as listed in the Dunstable Special Permit Rules and Regulations.
4. The Board found it had received written comments from Planning, Conservation, Road Commissioner, Police, and Fire in addition to testimony recorded at the hearing.
5. The Board found the applicant currently has a stockpile of an estimated 4,228 cu.yds. of material from the construction of the approved roadway Alexander Way to be removed.

Conditions:

1. A Special Permit be issued to remove up to 5,000 cu. yards of earth in conjunction with the development of Alexander Way; to be completed in compliance with the requirements of the subdivision plan for Alexander Estates, approved by the Dunstable Planning Board.

Adopted and approved 12/17/14

2. The applicant will secure a Fifty Thousand Dollar (\$50,000) assurance bond to be used to mitigate damage to the roadway over the agreed route for transport and/or to the environment caused by the roadway construction activity.
3. Removal of material consistent with Section 15.1.4(b) shall be done with the following
 - a. Trucks no larger than 30 cu.yds. maximum capacity, 25 cu.yds loads.
 - b. Hours of operation 8:30 am to 2:00 pm Monday through Friday with no holiday operations.
 - c. Incoming traffic will travel from Groton St. onto Hall St. onto Lake St. Outgoing traffic will travel Lake St. onto School St. onto Groton St. to route 113 or route deemed acceptable by Town Safety Personnel.
 - d. Appropriate signage will be developed by the Chief of Police and Road Commissioners to ensure safety of operations and the travelling public. All associated costs will be the responsibility of the applicant.

With the list of findings and conditions the Board unanimously votes to grant the Special Permit requested. A motion to approve the special permit with the orders and conditions was made by Mr. Devlin, and seconded by Mr. Alterisio. The motion passed unanimously with all in favor.

A motion was then made to close the public hearing by Mr. Devlin, seconded by Mr. Alterisio and passed unanimously.

Mr. Devlin had permission to leave the meeting at 7:52pm. The Board moved on to normal session.

Appointments

Due to further resignations on the Zoning Board of Appeals, the Board revisited its appointments in consultation with the Chair of the ZBA, Leo Tometich. Nancy Chaney was moved from being an associate member to full membership and Robert Irzyk and TJ Livingston were made associate members.

Nancy Chaney is appointed as a full member of the ZBA Term Expires: June 30th, 2016
Motion by Mr. Leva, seconded by Mr. Alterisio, passed unanimously

Robert Irzyk is appointed as an associate member of the ZBA Term Expires: June 30th, 2017
Motion by Mr. Leva, seconded by Mr. Alterisio, passed unanimously

TJ Livingston is appointed as an associate member of the ZBA Term Expires: June 30th, 2016
Motion by Mr. Leva, seconded by Mr. Alterisio, passed unanimously

ZBA Update

ZBA plans in two weeks to have a business meeting as a training session for its new members to help them get up to speed. They feel that a little advanced information will be helpful and are hoping to hear soon about secretarial aid to help them. The Board took a moment to note to the ZBA that while there was some talk previously about having the Administrative Assistant aid the ZBA during its transitional period, the Board is not comfortable with this being permanent. It is the position of the Board that it would create too much potential for conflict of interest. The Board did, however, express that it was perfectly fine for the ZBA to seek help form the Administrative Assistant in filing, and in the production and publishing of public hearing notices.

Budget Guidelines for Annual Town Meeting

Ms. McKenzie discussed with the Board her discussions with the Advisory Board at its most recent meeting. She sought guidance form the Advisory Board concerning budget guidelines that need to be put

Adopted and approved 12/17/14

in place. In discussing this, Ms. McKenzie touched on what was done in previous years, her recommendation for changes, and upcoming events such as the Tax Certification Hearing. She also reminded the Board that going forward she will need to have a salary range for the next Town Administrator. As for further budget mechanizations she asked the Board what number she should use for the school. The consensus of the Board is that she should use the number agreed to last year. Following that there was discussion of holding a meeting in conjunction with the Advisory Board, the Board, and the School Committee members for Dunstable. Ms. McKenzie then finished discussion of the school and budget process by providing the Board with some information from the school, and noted that getting these meetings to occur earlier for the budget will help aid in everyone understanding the process and hopefully smoothing out the whole process. The Board reminded that the time schedule, while important, will need to be a guideline not a requirement. To which Ms. McKenzie responded that her plan is to present a bare bones budget to give the Board something to work with, and flesh out. She is thinking 2 percent, leaving the town with the half percent left.

Ms. McKenzie ended discussion on the budget by noting that she is very impressed with how well the departments operate, how well their bills are kept low, and how impressed she is with the efficiencies of the departments in total.

Community Housing

A letter has been prepared by Town Counsel regarding the request by Alexander Estates and Rivers Edge Estates in concerns to the affordable housing by-law. Mr. Larkin prepared the letter to be sent to Dana Barnes the Building Inspector. Essentially the letter says is that due to the complexity of the by-law as it exists and is interpreted, the Board asks him to understand that that section and requirement are in review and that he should not hold up the permits for those estates. The result being that the Board is essentially asking Dana not to implement the by-law at this time.

Ms. McKenzie asked for recommendations about the potential of proceeding with Zoning by-law changes going forward. The Board consensus was that a review board should be considered to review specifically the zoning by-laws and make recommendations. Mr. Larkin noted that it is recommended by the Commonwealth that such review occur. The Board determined that the focus should be on by-laws that may create legal issues. It was determined that a good step in this direction would be to have a joint meeting with the Planning Board in the near future.

Consultant's / Administrator's Report

Ms. McKenzie started off by reporting to the Board the deal she worked out with Blue Lan Group. The IT company knows Dunstable, is willing to work for the town on time and per thing needed. Blue Lan will be able to help us remotely, and will assign 3 persons to cover Dunstable. The idea is to be responsive to our needs as they emerge.

Ms. McKenzie also reported that two groups coming in to look at the boiler and the AC and is trying to get a third one in. The AC issue is a cost that is covered, but the boiler isn't and will likely require funds from the Town Hall maintenance account for repair. She then discussed her progress on putting together the Master Plan. Her first step in that direction is to get the Capital Planning Committee up and running first and reported that their first meeting is Nov. 13th. Ms. McKenzie finished her report by updating the Board on the work that the Personnel Board has done writing a new personnel policy.

Perambulating the Bounds

It has come time to perambulate the bounds in accordance with MGL Chapter 42, Section 2. So before the snow starts to fly...the Board concludes that it can probably be taken care of in two or three weekends, not to be done all at once. They would like to start after Thanksgiving, considering that Saturday and

Adopted and approved 12/17/14

Sunday the weekend immediately after the holiday. The Board directed the Administrative Assistant to locate the appropriate letter from its files to send out to abutters informing them of the Board's duty so that the Selectmen are not going on the property of others without proper announcement. The Board also noted that there is a booklet that is a proposed route for each one of the locations and instructed the Administrative Assistant to locate it.

Demolition of 160 Pleasant Street

The Board was informed that in order to demolish the property it must first declare that the property is no longer usable or of worth and value to the town and further that it supports the properties demolition at this time. A motion was made by Mr. Leva to demolish 160 Pleasant Street as unsafe and of no value to the town; the motion was seconded by Mr. Alterisio and passed unanimously.

Town Hall Use Requests

The Pipeline Coalition submitted an application to the Board requesting to use the Grange Room to hold an event on Nov. 17th between 10am and 12pm. A motion was made by Mr. Leva to approve the application which was seconded by Mr. Alterisio and passed unanimously.

Sue Tully and Sue Psaledakis submitted an application to the Board requesting to use the Town Hall and its various facilities to host a Cookie Swap in anticipating of the holiday season on Dec. 20th. A motion to approve the application was made by Mr. Leva and seconded by Mr. Alterisio. The motion passed unanimously without debate.

Joe Dean submitted an application to the Board requesting to use the Town Hall for a regimental meeting of the 2nd Mass Regiment on Dec. 7th. Mr. Leva made a motion to approve the application which was seconded by Mr. Alterisio and carried unanimously.

Mail Requiring Action

➤ Topline Granit's Offer

Edy Ramos of Topline Granit sent a letter to the Board offering to replace the towns existing Police Station sign at no cost, with a new one, and to do some redesign of the area to surround it. The Board expressed its thanks to Mr. Ramos for his generous offer and formally accepted so long as the Police Chief approves of the sign. Board happily accepted the donation.

➤ Police Compensation Issue for Non-Union

Police Chief Downes sent a letter to the Board addressing the issue of deferred wage compensation for non-union senior leadership. The Board expressed a desire to have further analysis on this issue so that there is more information before entering into any discussion. The Board noted that in other communities these two positions are included in the wage classification plan and that plan has a minimum and a maximum, and these two positions in question, would not be moved beyond that. Ms. McKenzie recommended that at least one member of the Board meet with them to discuss the issue further. The Board designated Mr. Alterisio to be its liaison for this matter.

➤ Pancreatic Cancer

A letter was received from the Pancreate Awareness Network requesting that Dunstable issue a proclamation declaring November to be Pancreatic Cancer Awareness month. The Board expressed no

Adopted and approved 12/17/14

issue with this and a motion was made by Mr. Leva to proclaim the month of November 2014 to be Pancreatic Cancer Awareness month within the bounds of Dunstable, Massachusetts. The motion was seconded by Mr. Alterisio and passed unanimously.

Asbestos Update

Ms. McKenzie reported to the Board that the Advisory Board formally granted her request to transfer the funds for this, as authorized by the Special Town Meeting.

Minutes

The Board chose to defer the minutes under consideration until its next meeting.

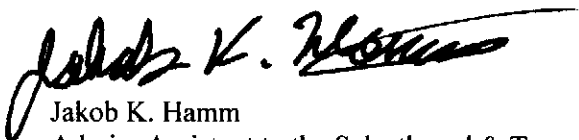
Library Update Concerning Groton-Dunstable Regional School District Superintendent

A forum has been arranged for the Dunstable Free Library with Dr. Kristan Rodriguez on Dec. 10th. The forum is to address thoughts and concerns from the public concerning the school district as well as to introduce Dr. Rodriguez to the community. The public is encouraged to attend. Currently the planning for the event is being handled by the Library Director. The Board noted that the Administrative Assistant will need to coordinate with the Library Director on time and publication of the event as well as ascertaining whether one of its members should be in attendance.

The Board noted that its next regularly scheduled meeting is the 19th and will include a Tax Certification Hearing to occur at 7:05pm.

Motion to Adjourn made by Mr. Leva, seconded by Mr. Alterisio, passed unanimously. 8:50pm.

Respectfully submitted by



Jakob K. Hamm
Admin. Assistant to the Selectboard & Town Administrator

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