

**Town of *Dunstable* Selectboard**  
**Meeting Minutes**  
**February 22, 2017**  
**Town Hall, Dunstable, MA 01827**

**Convened:** 6:33 pm

**Present:** Daniel F. Devlin, chair, Walter F. Alterisio, Leah D. Basbanes, member(s); Tracey Hutton, Town Administrator; Joan Simmons, Planning Board

**Selectboard Reviewed & Signed the Following:**

- Vendor & Payroll Warrants
- Letter of Authorization to Sign Grant Paperwork

**Open Forum**

Mr. Devlin briefly explained the purpose of the public forum and went over the Boards agenda which included Appointments, Use of Town Property Requests, proposed Zoning By-Law changes, School Agreement changes, a Budget Update, a Warrant Update, and an Executive Session.

**Affordable Housing Trust**

Ms. Hutton updated the Board on where things stand with the Affordable Housing Trust and noted that in the past the Board determined that the trust should be populated. At the time the Board had previously decided to at least establish a quorum of members. Ms. Hutton has since heard from George Basbanes who wishes to represent CPC on the trust, and a public volunteer, Diana Dalida who has also expressed interest. Along with the Boards chair, these individuals would constitute a quorum if appointed. This would then allow the housing trust to begin functioning in accordance with its by-law while two more members are searched for. Ms. Hutton noted that the terms are for two years, however, the language of the by-law states the appointment is “not for more than two years” and suggested this would allow the Board to appoint the Board’s chair for a one-year term which makes sense since the Board changes who is chair after the Annual Election in May each year.

The Board clarified the difference between the Affordable Housing Trust and the Affordable Housing Committee. Ms. Hutton elaborated on the differences which mostly have to do with funds including specifically some CPA funds. There was some ensuing discussion of what the trust fund would be able to pay for once up and running. This might include some help in funding the development of affordable housing on the MUD. The Board noted the expertise of the Treasurer/Collector regarding the management of other trusts held. This prompted brief discussion of whether the Treasurer/Collector should be appointed to the trust. Ms. Hutton responded that she would look into the idea with Town Counsel and consult with the Treasurer /Collector. The Board then suggested a few other people who could be appointed to the trust as well. Ms. Hutton stated she would follow up with them.

**Zoning By-Law Changes**

Ms. Hutton started out by noting that Zoning By-Law changes must be submitted to the Planning Board prior to their Public Hearing. Currently three changes have been recommended for consideration. The first is to remove the Community Housing By-Law from the General By-Laws and place a modified version in the Zoning By-Laws. This revised by-law has already been reviewed by Town Counsel. The second concerns amendments to the Large-Scale Ground-Mounted Solar Photovoltaic Facilities (now Solar Energy Systems) By-Law. These amendments are in response to a Zoning Board of Appeals decision. While the ZBA decision was made appropriately, the decision alerted the Planning Board to gaps in the by-law. The third change relates to a Temporary Moratorium on Marijuana Establishments. Town Counsel has recommended the moratorium as warranted in order to give the town time to evaluate the issue further while the General Court continues to respond to the passage of Question 4. Town Counsel noted only one issue with the moratorium, which would

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be the exact date that it would run to. The current recommendation from Town Counsel is to have it run until about December 2018. The Planning Board hearing date is scheduled for March 20<sup>th</sup>, 2017.

There was then some discussion regarding the moving of the Community Housing By-Law from the General By-Laws to the Zoning By-Laws. The Board dived into the history of the by-law and the reasons for why it was originally placed in the General By-Laws. It has been argued by some that its location in the General By-Laws was appropriate but former Town Counsel felt that it was not appropriate in the General By-Laws and his view is shared by current Town Counsel. There was then some discussion regarding how the by-law would be enforced as a Zoning By-Law. This brought discussion back to the Affordable Housing Trust, the work of the Affordable Housing Committee, and plans for development of the MUD. Ms. Simmons noted some other areas in town that were considered for such development and elaborated on the issues of the Community Housing By-Law being a General By-Law. She stated that if you can't or won't defend it, what use is the by-law? As such the change seems to make sense if it means the by-law will be enforced or enforceable in general. Discussion then turned to the solar by-law and the issue of making Dunstable a green community as defined by MGL. Doing so would make more grant funds available to the town. Ms. Hutton reported on NMCOG's recommendations to the town on how to achieve this goal and explained how the changes to the solar by-law would impact the town.

Ms. Simmons asked for clarification regarding the part of the by-law which would be implicated regarding the "as of right" provision. Ms. Hutton elaborated on what this term means and its implications for the town both on residential property as well as for any possible commercially developed property. The Board noted that one of the directions the town could consider for possible revenue would be through the development of a solar array owned by the town. Ms. Hutton explained what the changes would mean and the development criteria for any solar project of that nature. The Board suggested that an array could generate significant revenue for the town and would also be good for the planet. This prompted deeper discussion of the by-law and the way it would work exactly. Previously the old by-law only regulated large solar projects; the new by-law (modified by-law) would regulate several sizes. Discussion turned to the solar project being built on the old Georges Landfill. In the past the town refused the landfill the right to expand on to the portion of its land which fell in Dunstable; as a result it appears the landfill at one point may have illegally moved the town boarder marker.

This is alleged to have been a move of several feet. The Board wondered about the possibility of having this rectified. Ms. Hutton responded by noting some of the problems with doing this and the cost that would be entailed. Such an action would require surveyors. From there discussion turned to the Marijuana Moratorium. The Board discussed whether this moratorium is even necessary in the town. The town really has no place that would really allow the establishment of such a business and with the way the towns zoning is, it really begs the question. Ms. Hutton responded that even if the town isn't on the radar for this, it still helps the Planning Board to adopt the moratorium. There was some discussion of the differences between medical marijuana and recreational marijuana. The Board was generally in favor for medical usage, but had many reservations regarding recreational use. Ms. Simmons stated that the line is slipping away with many conditions, including insomnia now being treated with the substance. The Board then finished by determining that the by-law changes should be sent to the Planning Board.

A motion was made by Mr. Devlin to support and send to the Planning Board the three by-law changes. The motion was seconded by Ms. Basbanes and passed without objection.

### **Appointments**

The Board determined to move forward with the initial appointments of members for the Affordable Housing Trust as earlier discussed in the meeting.

George Basbanes is appointed to the Affordable Housing Trust                      Term Expires: June 30<sup>th</sup>, 2019  
*Motion by Mr. Alterisio, seconded by Ms. Basbanes, passed without objection*

Diana Dalida is appointed to the Affordable Housing Trust                      Term Expires: June 30<sup>th</sup>, 2019  
*Motion by Mr. Alterisio, seconded by Ms. Basbanes, passed without objection*

*Approved and adopted on 3/15/17*

The Board of Selectmen Chair is appointed to the Affordable Housing Trust Term Expires: May 15<sup>th</sup>, 2017  
*Motion by Mr. Alterisio, seconded by Ms. Basbanes, passed by majority vote*

### **School Agreement Changes**

Ms. Hutton reported that the GDRSD School Committee will formally vote on the changes to the regional school district agreement as recommended by the Regional Agreement Amendment Committee (RAAC). These changes are the result of the work and efforts of the RAAC which was setup between the towns and the district for this purpose. The changes include adjustments in the language of the agreement, changing the school committee's voting process to reflect compliance with DESE regulations (including weighing the members votes to better reflect the balanced representation needed to comply with the "one-person-one vote" mandate of the courts), addressing some financial operations including cost apportionment and general accounting practices, and some final recommendations for further actions regarding the Commonwealth and public school funding. Ms. Hutton then informed the Board that she has added language to the warrant for the Annual Town Meeting in anticipation of an affirmative vote by the School Committee.

There was some discussion about various ways the school district could generate more funds and the issue of buildings that the towns own that the school district currently rents. Currently there is discussion ongoing in Groton concerning the Prescott School Building. Groton has proposed sublets in the building. The school district has made it clear they would not be in favor of this and would rather move their offices and as such the district has already budgeted for a possible move should it become necessary. From there discussion turned to the issue of weighted voting for the School Committee. The Board expressed some dissatisfaction with this solution, but noted that it has increasingly been required by the courts, most recently in the Lowell Tech case brought by the City of Lowell. Ms. Hutton noted that the School Committee has a chart that explains the options for this and promised to make inquiries into obtaining a copy for the Board.

### **Budget Update**

Ms. Hutton updated the Board on the budget. The Advisory Board will go over the budget at their next meeting line by line. The Lowell Tech numbers have come in lower than originally predicted. Instead of \$47,000 the number appears to be \$36,000 this year. The Advisory Board's next meeting is scheduled for February 23<sup>rd</sup>, 2017. The town is now only short by about \$169,267 on the draft budget. Free Cash should be able to help mitigate this; however, the town is working towards lowering that figure before resorting to Free Cash. Discussion finished on the school district budget and its impact on the town's municipal budget.

### **Warrant Update**

Ms. Hutton went over the draft warrant with the Board and noted that the Board should consider any articles to add or remove from the warrant. The Board will have until March 15<sup>th</sup>, 2017 to finalize the warrant. Recommendations from the Board on the articles will need to be done no later than March 27<sup>th</sup>, 2017. There was then light discussion of the articles, including the differences between Article 7 and Article 15. Article 18 more or less uses the same language as Groton for consistency. There was then discussion of the Article relating to the combination of Parks and Recreation being combined. Town Counsel feels the Recreation Commission may be abolished by the Board since it is a committee established by the Board. Parks is elected and so will need formal Town Meeting action. There was then discussion of the borrowing authority granted to the Treasurer/Collector, and from there discussion moved to a Streets & Way's By-Law that has been proposed. This by-law would combine two existing by-laws and would make the process clearer and more succinct with an enforceability part that would give teeth to the Board of Road Commissioners.

The by-law would primarily make drive ways standardized in the town. The standards would be for both stormwater and for fire. There were some concerns expressed by the Board as to how the by-law would be enforced and what implications it would have. Ms. Hutton elaborated further noting the powers that the Road Commissioners would have under the by-law and the work done by Roads, Planning, Fire, and various other stake holders to make sure this works. A concern of the Board was whether every driveway would be required to be paved rather than gravel or any other substance. The Board was not entirely comfortable with anything that would require a paved driveway in every instance. Discussion then turned to Article 25 which was a

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request of the Town Clerk. The article concerns write in candidates. Article 26 would move the Annual Election from a Monday in May to a Tuesday. This article was also requested by the Town Clerk. There is also an article to consider making the Town Moderator's term three years instead of its current one-year term. Discussion then finished on the issue of a possible capital stabilization account for the school district that was asked for in the past but rejected.

### **Administrators Report**

Ms. Hutton started off by asking the Board to approve and sign off on a letter of authorization for her to sign some grant paperwork for the town. The Board saw no reason not to and instructed Mr. Devlin to sign in his capacity as chair. Ms. Hutton then reported on the Park's Commissions work regarding the issue of dogs in town and whether or not the town should explore the establishment of a dog park. Commissioner Greenwood is leading this effort currently. Ms. Hutton then updated the Board on some insurance claims for the Town Hall. This includes a piece of granite that requires repair as well as a leak near the kitchen and snow that had to be removed from the Elevator Control Room's roof to prevent damage. The insurance company is making the entire work one claim so the town will only pay one deductible. Ms. Hutton then turned to discussion of applying for a grant for direct local technical assistance funds for re-writing the open space plan. The total project would be \$15,300; the grant would cover \$7,650. Ms. Hutton then noted that Mr. Larkin, the former Town Counsel, has still not provided the town with the CR work that he was supposed to have done. Numerous attempts have been made by the town and current Town Counsel. Should the attorney-client work product not be produced by the Board's second meeting in March, a serious discussion will need to be had of how to proceed.

From there she turned to an update from Water. What's next, what the plan is, and what projects need to be addressed. Ms. Hutton then outlined how a water project could be accomplished and how to deal with the blind spots that happened last time the town approached the issue. This prompted discussion regarding why the last plan failed, and what the new project would look like. The price tag was far higher than most citizens were willing to pay and the residents impacted by the improvements were small in number. But with the proposed affordable housing project in the MUD and the public safety building project, the water project is now more necessary than ever and makes the issue more of a town wide matter. Ms. Hutton then updated the Board on 91 River Street. Some work had to be done to the building which required a reserve fund transfer. In the meantime, Ms. Hutton is still working on the lease matter and will be discussing what options the town has with Town Counsel. The current tenant is not responsive to overtures on the topic. She then noted that she will not be present for the Board's next otherwise scheduled meeting for March 8<sup>th</sup>, 2017. The Board decided not to cancel the meeting outright but rather to play it by ear and determine if the meeting should fall on that date or a later date depending on the agenda that might evolve.

### **Use of Town Property Requests**

The Board considered a plethora of applications for use of town property. These included a request by the Grange to use the Town Common and Bandstand for the Annual Grange Fair on August 19<sup>th</sup>, 2017. There was also a request from the 2<sup>nd</sup> Massachusetts Regiment to use the Town Hall on March 5<sup>th</sup>, 2017 for a meeting and a request by the Tyngsborough-Dunstable Historical Society for use of the Town Hall on March 26<sup>th</sup>, 2017. There was also a request by the Dunstable Summer Concert Series for use of the Town Common and Bandstand for dates ranging from June until August 2017. Seeing no reason to disapprove of any of the applications the Board determined to proceed with approval.

A motion was made by Mr. Alterisio to approve the 2nd Massachusetts Regiments use of the Town Hall on March 5<sup>th</sup>, 2017. The motion was seconded by Ms. Basbanes and passed by majority vote.

A motion was made by Mr. Alterisio to approve the Grange's request for use of the Town Common and Bandstand for the Annual Grange Fair on August 19<sup>th</sup>, 2017. The motion was seconded by Ms. Basbanes and passed by majority vote.

*Approved and adopted on 3/15/17*

A motion was made by Mr. Alterisio to approve the request of the Tyngsborough-Dunstable Historical Society for use of the Town Hall on March 26<sup>th</sup>, 2017 for a history program. The motion was seconded by Ms. Basbanes and passed by majority vote.

A motion was made by Mr. Alterisio to approve the request of the Dunstable Summer Concert Series for use of the Town Common and Bandstand for the holding of the Summer Concert Series starting on June 21<sup>st</sup>, 2017 and continuing every Wednesday until August 9<sup>th</sup>, 2017 along with all applicable rain dates. The motion was seconded by Ms. Basbanes and passed without objection.

### **Minutes**

The Board considered the minutes for the meeting held on February 8<sup>th</sup>, 2017. The Board noted minor changes and adjustments to the minutes and determined to move forward with adoption of the minutes pending changes.

A motion was made by Mr. Alterisio to approve the February 8<sup>th</sup>, 2017 minutes pending modification. The motion was seconded by Ms. Basbanes and passed without objection.

### **Warrants & Mail**

The Board reviewed the vender and payroll warrants and went through their mail.

Walter F. Alterisio made a motion to enter Executive Session for a Real Estate related matter in accordance with MGL Chapter 30A §21(a)6, and with the intention not to return to ordinary session afterwards. The motion was seconded by Leah D. Basbanes. The motion was adopted without objection by Daniel F. Devlin, Walter F. Alterisio and Leah D. Basbanes.

The Board entered into Executive Session at 8:07 pm

A motion to adjourn was made by Ms. Basbanes at 8:23 pm. The motion was seconded by Mr. Alterisio and passed without objection.

Respectfully submitted by



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

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