

Town of *Dunstable* Selectboard
Meeting Minutes
August 9, 2017
Town Hall, Dunstable, MA 01827

Convened: 6:30 pm

Present: Walter F. Alterisio, chair, Leah D. Basbanes, vice chair, Ronald J. Mikol, member; Beverly Woods, NMCOG; Anne Fenochetti, Elder Director; Harold Simmons, Advisory Board; Phil DeNyse, Memorials & Monuments; Carol Bacon, Raymond Sullivan, Historical Commission; Eric McKenzie, Joe Vleck, Planning Board; Jennifer McKenzie, School Committee; Mike Martin, Roads Commission; Betty Davis, Jane Sullivan, Barbara St. Jean, Daniel St. Jean, Bob Snizek, Jon Swift, Abutters & Citizens

Selectboard Reviewed & Signed the Following:

- Vendor & Payroll Warrants
- Swallow Union Playground Contract
- Title for Highway Truck Trade In

Town Center Overlay District

The Board started off by noting the agenda for this meeting is light because the intended purpose of the meeting is to focus on the proposed Town Center Overlay District. The purpose of this meeting is to allow for public input and the dissemination of information regarding the proposal. From there the Board introduced Ms. Woods. Ms. Woods started off by explaining what an overlay district is. An overlay district is a form of zoning that is overlaid on top of the existing zoning. This allows optional uses allowed that are different than those allowed under existing zoning. Landowners don't have to do something under the overlay district, they can continue to do activities under the existing zoning should they wish. She then went over some of the materials for the district including a map. Ms. Woods noted that this proposal is a result of the Master Plan process the town has been going through and reflects a public interest in revitalization of the town center and possible commercial use while protecting and enhancing the historic properties and architectural character of the area. The focus is on trying to create an environment in a typical New England village setting. The uses permitted would be the allowance of conversions of one family home's to two families, principally for existing dwellings. It would allow the use for incorporating multifamily use in upper stories of buildings which have retail on the ground floor, but limits to no more than two units per floor. It would allow such uses as bed and breakfasts, non for profit uses, professional offices, antique shops, and similar retail. Ms. Woods further elaborated that the district would place Planning Board in a larger role because the process for utilization would require a special permit, and a site plan which would have to be approved for the project by the Planning Board.

This would be the case unless the Planning Board finds the use so insignificant that it is unnecessary, although the building would have to be one in existence at time of adoption of the district. Some of the benefits of the district would be used to bring business to the town. If someone initiated a project, and the developers wished to bring benefits to the town such as green spaces, they would be allowed some benefits such as allowance of a smaller space or land. Any new buildings would have to be compatible with existing ones. Additional parking would be required to be in the rear of the structure. There are other standards for parking and driveway design, drainage, and landscaping. Impacts to abutters would also be required. All of this would exist within a unified by-law which would be adopted at a town meeting. There are a number of design requirements that would be included with the aim of encouraging improved designs. This would include the discouraging removal of stone walls, removal of vegetation when possible, and require that landscaping be done with native plants. If a project is a large size and is more than 10,000 square feet, there would be a requirement that a registered landscape architect prepare a landscaping plan for the project. Other requirements would include things like protections against light pollution. Ms. Bacon noted that this overlay nearly includes entirety of the historic district. She noted that only two houses in the historic district are not included. She then inquired about the appearance of exteriors and what the requirements would be. Her main concern was about how substantial change would be defined. Ms. Woods responded by elaborating that this is envisioned as a first step. If there is a national register or historic district, the Historical Commission would have a role in permitting projects.

Approved and adopted on 8/23/17

Although, she cautioned that with the Master Plan process unfinished, all of these concerns aren't yet fully understood. Nonetheless, she felt confident that more definition can be reached prior to adoption. From there Ms. Bacon noted a minor concern about the parking requirements. Ms. Woods noted that the issue appears to be a minor typo. The Board explained that this is the preliminary rough draft. There are a lot of things that the town has to be very careful about and the aim is to make as many happy and comfortable as possible. This proposal is a starting point. There was then an inquiry about the responsibilities of homeowners and what the process would be for approval of changes to homes. Ms. Woods explained that the overlay district is optional. If the use is for something that is allowed under the existing zoning, property owners may continue to act under that zoning which would exist outside of the regular building and zoning process. If, however, you are looking to do something like convert your property for something not allowed under the existing zoning but is allowed by the overlay district, then you would seek to do so under that process. The Board reminded those present that this proposal has come from the Master Plan process and recent budgetary concerns where the public has expressed a desire to see the possibility of some amount of commercial or economic development activity. This is not going to mean Walmart is coming to town. Nor would the town necessarily want that. What this does is to recognize an overlay district within a residential district. There is already a lot of activity from home businesses. A big part of this is to determine what types of things would be acceptable to the citizens of the town within the area of the district and to allow for some limited development. This proposal would allow that within a certain framework that the town is sensitive too in terms of maintaining the character of the town.

Mr. St. Jean stated that while he recognizes the potential for economic activity, he doesn't see why the town is considering the possibility of multifamily use. The Board responded that there are a number of homes in the area that are sizeable and the opportunity of turning them into multifamily would help property owners and alleviate possible MGL Chapter 40B concerns regarding affordable housing. Ms. Bacon noted that one of the big reasons for wanting to allow this is the issue of affordable housing. With these old houses, it is possible to allow for apartments without changing the appearance of the town because it would occur within existing homes. Ms. Woods reminded those present that Massachusetts has a giant problem with affordable housing, and one of the biggest challenges for employers is finding affordable housing for workers. Further, Dunstable is nearly unique in Massachusetts for having no affordable housing in it. Ms. McKenzie noted that she has seen no data to show that any of these changes would fix the financial problems of the town, and she suggested that there is the chance that some of these changes could create greater costs for the town. The Board responded that this might not generate a great deal of revenue immediately, but it would encourage people to start small businesses, and possibly bring greater services to the town. Most income generated would likely be for the businesses themselves or the homeowners. Ms. McKenzie expressed concern about allowing more multifamily units without more data or age restrictions. Ms. Woods noted that this would not allow a great deal of increase in multifamily units. More likely it would mean a handful of apartments at most. The Board noted that a number of subdivisions are being built, houses are going up all over town and these concerns are not unique to just this proposal. There are about 26 houses that fall in this district. It is likely that not all of them would create an apartment or split the houses. In all likelihood less than half would. There was then a question of whether the district would allow for completely new multiunit homes or residencies. Ms. Woods stressed that there are limits, such as only two apartments on each floor.

The Board reminded those present that Chapter 40B is a legislative mandate from the Commonwealth. About 10 percent of housing inventory in a town is supposed to be affordable. Dunstable has zero. The significance is that if the town applies for grants one of the criteria is whether the town is adhering to the mandate. There are also other consequences beyond that the Commonwealth imposes. There was some light discussion of the Mixed Use District (MUD). Currently it is proposed that affordable housing be built in that district for Seniors. The town isn't talking about condo complexes, rather, along the lines of one or two bedrooms. This won't be particularly attractive to large families. Ms. Woods noted that by not creating affordable housing, the town is setting itself up for the possibility of a 40B project being imposed by the Commonwealth and this could very easily be one that could take the appearance of a condo building. Mr. St. Jean sought clarification as to whether the district even considers affordable housing. Ms. Woods stated that the district doesn't really focus on that. Mr. St. Jean suggested separating the issue of housing from economic development. Ms. Woods explained that under 40B a town that has not put anything towards affordable housing cannot stop a 40B development should it be proposed, and the target isn't 100s of units. Ms. Bacon noted that the aim is 5 units per year. This would allow the town to get moratoriums for 40B projects. Ms. Woods then elaborated further on the subject including what the Commonwealth defines as affordable housing. Mr. McKenzie expressed reservations and

Approved and adopted on 8/23/17

concerns about whether allowing multifamily units in this district would even be affordable. Ms. Woods suggested that language in the permitting process under the district could be included to help towards this.

Mr. Snizek noted that the town has grown slowly over time and it is his observation is that out of the 17 square miles of the town, the concerns appear to be focused on one tiny aspect of the town and putting all those concerns in without the context of a Master Plan. His concern was that the current proposal is hard to enforce. The Board reiterated that this is a first step. There was then discussion about how the district might look, and what ways the proposal could be improved. The district might allow for such proposals as conversion of a home into a doctor's house or other similar business that would be compatible with the town. There was then an inquiry about the lack of sidewalks and pedestrian safety along with the continued failure to repair the water system. It was suggested that addressing these basic issues would solve problems and likely bring investment and economic interest in the town. After all, basic needs have to be met. The Board responded that the issue is that the town may not be yet to a level of recognizing that by virtue of being a community there is a certain obligation of all to each other. The water issue is the way it is, because those not on the water system remain unconvinced that they hold a responsibility to a public utility. A utility put in place 90 years ago. That 90-year-old system was able to sustain itself for decades, but now, it is old and becoming fragile. This and other issues should have been taken up years ago. But they were either kicked down the road or not recognized. However, the town is attempting to address these issues and is committed to doing so. Solutions are being pursued the best the town can, including through projects like the Rt. 113 project. Ms. Woods stated that the survey for the Master Plan received responses from 300 households. About 80 percent of those responding wanted to see more business and economic development in the town. The best way to attain that while protecting the town is to take the kinds of steps this proposal does.

Mr. McKenzie disputed that this proposal reflects the Master Plan discussion because of the language in it and the multifamily issue. Ms. Woods responded by using Groton's Town Center as an example. She noted that a lot of the buildings are existing ones that have been converted for new uses. Some of those businesses have apartments above them. Some of the houses have been converted to banks and other similar businesses. Ms. McKenzie responded that Groton has the benefits of a town planner and a historic district established in the town. There was some dispute as to whether Dunstable has a historic district. Ms. Bacon responded that Dunstable has a historic district. This led to some discussion of the historic district and whether it requires approval from town meeting. Ms. Woods noted that it does not. Mr. McKenzie inquired as to whether rules have been adopted for it. Ms. Bacon stated that it has not yet. This discussion prompted Ms. Woods to elaborate on the two main types of historic districts. National districts are not as restrictive as local ones. Most communities start with national districts and then later go on to adopt local districts. Ms. McKenzie inquired as to how many communities have local ones as well as national. Ms. Woods elaborated on surrounding towns. Ms. St. Jean brought discussion back to the overlay district. The Board agreed. The whole point of this meeting is to introduce the idea and begin discussion and dialogue with the town. Ms. St. Jean asked what the result of this is. The Board responded that this is part of the communication that has to be had. This is the first baby step outside of the box of the Master Plan process to gather comments, criticism, and information to see what works and what the public is interested in seeing. What has been gathered in this meeting are the areas of sensitivity and interest. It was noted by some present that virtually all of these questions, concerns, and issues are being discussed at the Master plan meetings. This prompted Ms. Woods to remind those present that attendance at the Master Plan meetings has actually been rather high for a town in NMCOG's area.

She stated that for the first meeting 75 people attended. Attendance has typically averaged about 30 to 40 people, with a few having lighter attendance. The more people are involved the better the Master Plan reflects the community. Discussion then turned back to the district, the process, and why the district is being proposed prior to the adoption and approval of the Master Plan. The Board responded that the voting hasn't occurred yet. While there is a schedule, that schedule is suggestive not set in stone. There was an inquiry as to how complete the Master Plan is. Ms. Woods responded that the plan is likely to be completed in January 2018. Mr. Vleck noted that the whole point of this meeting and others like it is to share information. Many in town have previously complained at a lack of information. This allows the town to provide information, receive responses and criticism, and determine how to move forward. From there the Board turned discussed to the next meeting scheduled for August 23rd, 2017. This included discussion of whether a fall town meeting would move forward with or without the district proposal. The Board emphasized that no fall town meeting has yet been scheduled; however, there are other reasons to hold a fall Special Town Meeting. From there discussion centered on the schedule, both for the proposed district and for the Master Plan process. Ms. Woods then elaborated on the

Approved and adopted on 8/23/17

differences between the district as proposed and the Master Plan. The plan might suggest that the town pursue an overlay district, but won't set out all of the rules in great detail. The Board expressed the desire to keep any proposal, such as an overlay district, in line with the Master Plan. Mr. McKenzie noted that other towns in the area were similar to Dunstable until recently. They followed a similar process as is being suggested here, and not everyone is happy with the results. He suggested that money be set aside to hire a town planner to help develop the town in a responsible way. The Board suggested that some of this work would be converted into visual representation and that might very well consider the work of planners. Mr. McKenzie responded that this is all good and well, but depending on market forces, what is proposed might not come to pass. This is why he feels having consistent planning authority makes sense. All that can be enforced in this proposal are the rules in the by-law. Even if it doesn't look good, if the rules are met, the Planning Board can't stop it. The Board suggested that the district and its rules might allow more control. The desire is to establish control over the process. Granted the rules have to be well written. Ms. Bacon made a point of noting for the record that two family houses are allowed under existing zoning, just not apartments. Mr. McKenzie then reiterated his belief for the need for a planner. Ms. Woods noted that the Town Administrator has previously worked as a planner. Every community structures its zoning to fit what the community wants and envisions itself to be.

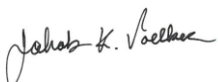
Mr. McKenzie responded by noting the example of Tyngsborough and its failure to prevent a strip club because of how its rules are written. Ms. Woods responded that Tyngsborough's issue was more an issue of First Amendment law. When it comes to adult entertainment every community has an "adult entertainment zone." The Board responded this is true even for Dunstable. This is done to protect the town and the area is defined in zoning. The Board then turned discussion back to professional involvement for planning agreeing that in time that will likely need to be sought out. It was noted that the purpose of this district is to allow for the potential for some in town to protect existing buildings while also encouraging revitalization and potential commercial use. Some of the houses in the center of town are 200 years old or older and they are large. This proposal would allow for sustainable use of them. The hope is to keep things as they are, but still allow for opportunities. Obviously, this proposal is rough and in draft form. Mr. Snizek suggested that most of the concerns aired are town wide concerns and should be addressed on that basis. The Board responded that this isn't meant to be a one size solution or to fix every problem. This is simply a layer, a first proposal, a place to start. There was then some discussion of the Master Plan process and how to drum up interest and buy in. The Board noted all the ways the town has sought interest and participation. It was proposed that a more solid schedule be put in place. Ms. Woods attempted to explain and answer confusion about what the overlay district means, and how the Master Plan would relate to it and how that process would work. This would include the formation of a standing Master Plan Committee to oversee implementation responsible to report to the Annual Town Meeting. She then defined the responsibilities of the various municipal bodies and how the whole process there works as well. Discussion ended there.

Warrants, Contracts, & Title

Mr. Alterisio reported on the warrants he has signed. This included highlighting the sums spent, some of the larger payments made to vendors as well as brief discussion of the payroll. He then went over the ending state of the budget for accounts monitored by the Board. The Board then reviewed and signed the contract for the Swallow Union Playground and Mr. Alterisio in his capacity as Chair signed the title for the Highway vehicle being traded in as part of the procurement of a new Highway truck.

A motion to adjourn was made by Ms. Basbanes at 8:10 pm. The motion was seconded by Mr. Mikol and passed without objection.

Respectfully submitted by



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

Approved and adopted on 8/23/17