

Town of *Dunstable* Selectboard
Meeting Minutes
August 23, 2017
Town Hall, Dunstable, MA 01827

Convened: 6:30 pm

Present: Walter F. Alterisio, chair, Leah D. Basbanes, vice chair, Ronald J. Mikol, member; Tracey Hutton, Town Administrator; Brian Rich, Fire Chief; Beverly Woods, NMCOG; Eric McKenzie, Joan Simmons, Joe Vleck, Planning Board; Jennifer McKenzie, School Committee; Bonnie Ricardelli, Treasurer/Collector; Carol Bacon, Anne Davis, Historical Commission; Mike Martin, Peter Gove, Roads Commission; John Callahan, Safe Pathways; Bob Ricardelli, Board of Assessors; Harold Simmons, Advisory Board; Leo Tometich, Zoning Board of Appeals; Susan Psaledakis, Community Preservation Committee; David Ambrose, Mary Beth Ambrose, Ruth Ernack, Chrissy Gilbertson, John Mason, William McGonagle, Bob Hodgkinson, Beth Hodgkinson, David Kimpton, Margery Kimpton, Jim Frey, Bob Kennedy, Bill Psaledakis, Anne Paquin, Abutters & Citizens

Selectboard Reviewed & Signed the Following:

- Vendor & Payroll Warrants

Open Forum

Mr. Alterisio explained the purpose of the public forum and went over the Boards agenda which included a Public Information Session on the Proposed Town Center Overlay District, Appointments, Use of Town Property Requests, Proposals for Stop Signs on Thorndike, High, and Fletcher Streets, A Wetland Protection Act Fund Request, Discussion on Ending the Town's Dry Status, Revolving Fund Proposals, an Update on the Water Project, Discussion of the Fire Departments Structure, and an Update on the Public Safety Building Land Agreement

- Mr. McKenzie asked if it is possible to do a financial plan or picture for the town for the Town Center Overlay District. The Board responded that a build out can be done. Ms. Hutton noted that doesn't include financial forecasting because we simply can't predict what will happen. This is a roadmap. Either the community says yes or no. Mr. McKenzie suggested hiring a town planner. The Board responded that at some point the town will likely need a full time planner. But not necessarily at this stage based upon town resources. Mr. McKenzie suggested such a person be added prior to any vote on this matter. Ms. Hutton noted that staff cannot be added mid budget year. The possibility of hiring or contracting such a planner exists, but that isn't something to be determined at this time.

Town Center Overlay District

The Board started off by explaining the process that has brought the town to this discussion. This process is a participatory opportunity for citizens to respond to the proposal and to make comments. It springs from the Master Plan process and other ongoing community discussion. Part of this has brought to light the need for Dunstable to have diversification within the tax base which as it is currently constituted is nearly entirely residential. This proposal would allow for the possibility of greater commercial opportunities as well as the allowing some development of apartments and alternative uses for some of the older larger homes in encompassed within the proposed district. This proposal is for an overlay district. Existing zoning would still apply, but for uses that fall under the district but not ordinary zoning, the use would be allowed by special permit of the Planning Board in most instances and the Zoning Board of Appeals in some others. This would still call for a public hearing and for public review. Ms. Hutton noted that those in attendance should keep in mind that the proposal has been adjusted since the last meeting and is now updated to respond to some of the thoughts and concerns already expressed. The Board then turned discussion to the rules and implementation which would be used. This included the relation between the proposed district and the Master Plan. The Master Plan is more process driven and more vision. The Board stressed that all of this, including the Master Plan, must be approved at town meeting.

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Ms. Hutton then went over some of the changes that have already been made. The first change was to clarify the existing zoning by-law regarding accessory dwellings. Specifically, this comes to the issue of how many apartments could be allowed. She explained what the underlying zoning standards are and how they would still apply. Another change is to limit the number of bedrooms to two per unit. This would help ensure that units do not attract large families. Then in site plan regulations, a change was made to parking calculations. This was recommended by Town Counsel. The Board had a few questions as to the units, and the limit of two bedrooms. Ms. Hutton elaborated further and cited the specific section changed. The Board then turned discussion to the map of the proposed district and the areas that would be within it. Ms. Woods then went over the concepts behind overlay districts. Overlay districts sit on top of current zoning. This does not in any way negatively impact a home owner's property rights. What this does do, is allow you to use your property in some ways in which you may not be otherwise allowed to under ordinary zoning. For example, this proposal would allow you to put a business on your first floor and potentially residential units on the second floor, with a reasonable limit on how many units. It would also allow for a home to be made into a two family home. It would allow some commercial uses, such as restaurants, cafes, professional offices, antique stores, and similar. But the proposal would require that outside appearances not change significantly.

Accessory use provisions within this proposal would mostly make Planning Board the permitting authority for these special permits. There is also a site plan review process. Planning Board would have some authority to waive these requirements depending on circumstances. Ms. Woods then covered some of the requirements in the proposal. These included parking requirements, lighting standards, drainage standards, and landscaping standards. Ms. Davis expressed the opinion that this proposal would be a good way to encourage adaptive reuse of properties in the town, but she noted some concerns about the wording about substantial change to buildings. She would like to see stricter language to protect building appearance. Ms. Woods responded that this would be done with design guidelines. In other communities with similar districts, there are specific language within the guidelines that accompany the implementation of such districts. Ms. Davis asked if there would be limits to the scale and massing of the buildings. Ms. Hutton responded that these too would be within the design guidelines. But currently it is required that any changes be consistent with current architecture. The Board inquired about whether the Historic Commission has any suggestions about such guidelines. Ms. Davis responded by outlining some rules that could be used and that she felt confident would be supported by the Commission. This prompted some discussion of what substantial change means. Ms. Bacon suggested that what this is about is about the appearance of the building itself, not the interior.

Ms. Woods responded by outlining some of the ways Groton has handled this. One example is a Bank of America branch which is in what was once a colonial house in the center of town. From the exterior the building does not appear changed except for the banks sign. Mr. Kennedy had an inquiry about what the definition of a vibrant town center is. He noted that the purpose appears to be to allow people to make new uses of existing old houses. But he had some concerns about parking and whether some of this development ought to be allowed in other parts of town. Ms. Woods responded by elaborating on some of the responses she's seen in the Master Plan process. There is an opinion within the town that there are not enough services in town and the town lacks places where people can gather to build community. Until very recently there was nowhere to go in town to have a cup of coffee. And to this day there remain a lack of community gathering spaces in general. Mr. Kennedy turned discussion to the issue of the water system and how it would support this kind of development. Followed by this, he inquired as to how many additional dwellings would result. The Board responded that this information is not yet ascertained as to the figure of homes that would turn into two families or develop accessory dwellings. As for the water system, the issue is not supply, it is delivery. The water system likely needs to be improved. Ms. Hutton responded that the need for a water system fix is known. That fix is coming regardless as it is necessary. But this proposal is not contingent on such a project.

Ms. Woods stated that she does not see a rush of people that would be seeking changes. The Board noted that there are only 35 buildings in this district, and not all of those would even be large enough for development. It was noted that in the past the town has had some of the proposed development, but for various reasons it has left town. The town's roads are narrow and infrastructure is not accommodating. There is a concern that things are not being fully thought through. Mr. Kennedy noted that some of the previous businesses in town were not in the center of town. Ms. Hutton responded that this idea is not new, it was first proposed about 13 years ago and the proposed language is substantially similar to that previous proposal. She then discussed the café in the center of town and the fact that it was grandfathered in and as such falls under different rules. This proposal would require more parking, for example, than that building has. The Board then turned discussion to the

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proposed fall town meeting. This Special Town Meeting is not contingent on this proposal and would, if scheduled, go ahead for a myriad of reasons. Ms. Hodgkinson expressed concerns about the driving force behind this proposal. She noted that changes that are proposed are essentially permanent and once development begins, stopping them would be difficult. She further expressed concerns about who is behind this and whether they have done this before. The Board responded by explaining that this is being driven by the community, by volunteers, residents, and citizens with the support of NMCOG and the town. Not changing is not an option. The town is facing increasing education costs and the costs of essential services; doing nothing and failing to change will mean that the people will have to agree to Prop 2 ½ overrides for the foreseeable future.

Ms. Hutton noted the expertise of Ms. Woods and herself in community planning as well as some of the people involved in the Master Plan. The Board reminded those present that this is about protecting the town and its character, while still trying to address needs to diversify the tax rate and bring vibrancy to the community. There are also requirements of the Commonwealth that have to be addressed. Chapter 40B requires the town to have plans and implementation of those plans to address affordable housing. Currently the town has no affordable housing. But it has a lot of land. To think that the town will forever dodge a 40B project is naïve. Ms. Hutton noted that the town has adopted initiatives that attempt to foster economic development as well as protecting the community. There is more than one place that this is coming from, not just the proposed overlay district. Ms. Kimpton inquired as to what is going on with the Mixed Use District and what is happening with that. The Board briefly elaborated on the work being done regarding the MUD. Mr. Chaney then noted that the existing zoning does allow people to open home business. He rhetorically inquired about how many of the buildings in this district are multifamily. Then stated a number already are. And a fair number of them are simply too small. Additionally, he inquired as to how many new structures could be built within this proposed district. The Board responded that it appears that possibly 4 lots would be developable. And agreed that a fair number of the 35 buildings are too small for development as multifamily, and a number of the buildings that are large enough already have grandfathered or pre-existing multifamily or accessory dwellings.

Mr. McKenzie put forth some analysis he has done, which includes counting the parcels, houses, and accessory buildings within the proposed district. He suggested there are really only about 29 buildings since some of the buildings in the proposed district are government buildings. He proposed a large number of possible units. Ms. Woods questioned his figures inquiring as to method. Mr. McKenzie admitted his method was visual. He further elaborated that demand would be high for rentals in towns with good schools. Good school systems can drive up the prices of not only homes, but rental units. He suggested that nobody would convert their barn to a gift shop; it would be to make them rental properties. The economic pressure, he argued, is going to be to convert to units and the moving in of families. Ms. Woods responded that this analysis is flawed in a few ways. That there are limits under Title 5 for septic systems, which would limit the number of units that could be developed on any given property. This and other related laws would provide natural limits. There was then discussion prompted by Mr. McKenzie as to the alleged increase in students that this proposal would allow. Ms. Hutton disputed some of his figures, especially with Title 5 as a requirement. Mr. Chaney stated that Mr. McKenzie's points should be considered, as it seemed to him that a real solid analysis for the potential for the number of apartments and accessory dwellings would be useful. He further suggested it should be clarified as to what would be allowed in terms of business that isn't already allowed as a home business. He acknowledged that there are differences, but needed a reminder. Ms. Hutton responded that a school or religious facility wouldn't go into a home. Some of these would be larger than home businesses, like a performing arts theater. Ms. Woods noted that an art gallery or studio wouldn't likely go in as a home business and obviously, a restaurant would not be allowed under the home business scheme the town currently employs.

Ms. Hodgkinson then asked specifically about whether a restaurant would be allowed under the current zoning. It was explained that yes, this would be allowed, but it would likely require a Zoning Board of Appeals special permit. Mr. Kennedy noted that there was a pottery studio with classes and shows on Hardy Street. The Board responded that this won't stop home businesses or require all businesses be within the district. Ms. Hutton noted that many of the uses proposed are not allowed under current zoning, additionally, while this proposal allows additional uses, it also regulates them further than they would be in other parts of town. Many of the business uses proposed would only be allowed as home occupied. This proposal would allow people to develop businesses where they would not have to also reside. Mr. Tometich asked about the potential benefits. Ms. Hutton elaborated by explaining that there is the increase in value of the properties, and the personal property which would go into businesses and that would be taxable. It would be a substantive increase. Mr.

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Tometch noted it would then be fair to compare it to the excise tax in a manner of speaking. Ms. Hutton agreed it would be comparable. Mr. Chaney asked if this would allow businesses like dentists. Ms. Hutton stated that it would. Mr. Tometch noted that additional residential does not always bring gains. Ms. Hutton stated that the goal is to look for businesses where the tax revenue is greatest in potential. Ms. McKenzie suggested this proposal doesn't limit homes from being totally converted into multifamily or apartment units. She inquired as to how this helps develop community spaces, especially if the economic incentives are for residential. Mr. McKenzie followed by suggesting that there is no way to control this and prevent families with children from moving in aside from age restrictions.

Ms. Woods elaborated on the problematics of those kinds of restrictions outside of affordable housing developments. Mr. Frey asked a question as to the vibrancy and the aspect of pedestrian activity. He noted that currently pedestrians face danger in trying to safely cross roads. The town is not doing a terribly good job yet of making things safe for pedestrians. He inquired as to how this proposal would make the town center safer for pedestrians. Ms. Hutton elaborated on the Rt. 113 project under Roads Commission and its sidewalk, as well as the work being done by Safe Pathways for improved pedestrian safety and amenities. She noted that the only reason there isn't a crosswalk from say, West Auto to the café is due to a change in law that does not allow crosswalks where there are no sidewalks. This prompted some discussion of sidewalks. The Board noted that about 14,000 some odd vehicles travel along Rt. 113 through town every day. Mr. Chaney followed by stating that the current Fire Station is set to be replaced due to structural integrity. He suggested that the plan should be to eventually tear down the existing structure, with the new one being located elsewhere. On the current Fire Station buildings land a community parking lot could be installed not only for the new playground going in, but also for the town center in general. There could be sidewalks to it and to other areas like the Library, the Shaw Conservation Area and Woodward's Mill Pond, and other similar areas. Mr. Kennedy inquired whether there is any known business. The Board responded that there are no specific proposals for businesses at this stage. This prompted a related question about how the town would control traffic to and from businesses. Ms. Woods responded to this and a related question as to what the driving forces are.

She elaborated on the requirements of Commonwealth and Federal regulations for grant funding and for infrastructure and housing. There are new EPA stormwater regulations that require stormwater management including public education and monitoring, along with other similar regulation burdens being added yearly by the Commonwealth and the Federal government. In order to get funds from MassDOT there are design standards that have to be met, these include sidewalks and bicycle paths. There was then a question about noise restrictions. Ms. Hutton responded that there isn't currently a noise section in the site plan regulations, but suggested some ways that Planning Board could impact this in the permitting process. Otherwise the issue would fall under disturbance of the peace and would be a police matter. There was then a question about hours of operation. The Board noted that there are already mechanisms for when a business is permitted to require specific hours of operation. For example, the General Store is limited on its hours of operation. Ms. Hutton then provided some information on how residents can find existing regulations, proposed ones, and find explanations. Additionally, some of these come under the Planning Board which will have to have public hearings on site plan regulations. In fact, the rules and regulations for site plans will have to be determined prior to adoption of this proposal at a town meeting. There was then a question of parking. Ms. Hutton explained that the parking would be on site.

So, the parking for a restaurant would have to be on the property where the restaurant is located. Mr. Chaney noted that typically, the restriction is that no noise, odor, or dust be allowed to cross the border of the property. But he elaborated on the issues this might have with restaurants. Mr. Gove had some questions about parking and public assembly. He noted it seems like one parking place would be required for every four seats. He questioned this determination. Ms. Hutton elaborated on where the parking standards were developed, and how other communities were used for comparison. Ms. McKenzie noted that one of the comparison communities was Carlisle and stated that they have far more restrictive requirements than what is being proposed. For example, they do not permit live music at a restaurant. Ms. Hutton elaborated on the process and the role Planning Board plays in the decision of final language and how her concerns could be addressed by them. It was then noted that the Planning Board will address changes to the guidelines and site plan requirements on September 18th, 2017. Ms. Kimpton then was allowed to ask the last question. She stressed a desire not to see what is reported not be all butterflies and roses. The Board stated it would not be. The Board then finished discussion on the topic by going over the timeline again.

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Appointments

Ms. Hutton started off by reminding the Board of the long term vacancy on the Agricultural Commission, as well as a vacancy created by the death of Al Horton. Maria Amodei has requested appointment to fill the long standing vacancy. In the meantime, Joan Simmons continues to look for interested parties to fill the other vacancy. The Board thanked Ms. Amodei for stepping up to the plate and extended its condolences to Mr. Horton's family and thanked them for his years of service to the town. Ms. Hutton then updated the Board on an appointment request by Chief Dow. The Chief requests the appointment of Steven Bugler as a part time patrol officer. The Board saw no reason not to move forward with both appointments.

Steven Bugler is appointed as a Reserve Officer Expires June 30th, 2018
Motion by Mr. Mikol, seconded by Ms. Basbanes, passed unanimously

Maria Amodei is appointed as a member of the Agricultural Commission Expires June 30th, 2019
Motion by Ms. Basbanes, seconded by Mr. Mikol, passed unanimously

Stop Signs on Thorndike, High, and Fletcher Streets

Ms. Hutton informed the Board that several requests have been received by the Highway Department regarding the placement of stop signs on Thorndike Street, High Street, and Fletcher Street. The Board is responsible for approving such requests prior to placement of stop signs. These stop signs are being requested to improve public safety at several important intersections such as Fletcher and Hollis. The Board was generally in favor. Ms. Hutton noted that Chief Dow, although not present due to being on vacation, is in favor of all the proposed stop signs. Ms. Hutton then elaborated further on the intersections that would be impacted and the traffic flow on each. The Board discussed the particulars of the signage and any possible adverse effect on traffic flow. This included some discussion of the dangers that currently exist and how this might or might not resolve them. In the process the Board proposed some minor modifications for placement of the signs.

Mr. Gove then made some suggestions, in particular relating to Thorndike and High Street. He proposed tabling that specific proposal and having a Selectman meet with a Roads Commissioner to take a look at that particular intersection. It was also proposed that discussion be had with abutters in the area. The Board was generally in favor of that proposal and agreed to table the Thorndike and High Street sign. There was then some discussion of whether a yield sign would work in place of a stop sign for the High Street and Fletcher Street intersection. The conclusion was that few people know how to yield properly and it might not solve the issue. Mr. Gove noted that common sense and curtesy go a long way. There was then a question as to how many accidents have happened on High and Fletcher. Chief Rich noted that the most recent was a bicyclist and a car and the particulars of that accident wouldn't necessarily be solved by a stop sign there. It was concluded that Fletcher was a no, and Thorndike and High Street would be tabled and reconsidered after being walked with a Selectman and a Roads Commissioner.

Wetlands Protection Act Funds Request

The Conservation Commission is requesting approval to spend \$595 from the Wetlands Protection Act Fund for the purchase and installation of a new computer for their Administrative Assistant. Wetland Protection Act Funds may be used to carry out the Conservation Commission's duties under the Wetlands Protection Act. Such funds may be used for the purchasing and maintenance costs of computers and other office equipment used in the furtherance and discharge of the Conservation Commissions duties. The Commission notes that these funds only constitute a portion of the total cost for a new computer. This cost is about half the total cost. Ms. Hutton then elaborated on the budget constraints and the necessity of using these funds. Since the Administrative Assistant does considerable work for Conservation it is doable. The new computer is about \$900 total and is a desktop. Ms. Hutton then elaborated on the software and the ways the town are addressing those questions budgetarily.

A motion to approve the expenditure was made by Mr. Mikol and seconded by Ms. Basbanes. The motion passed unanimously.

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Dunstable's Dry Status & Possible Implementation of Liquor Licensing

Ms. Hutton updated the Board on discussions with Town Counsel regarding the options the town has for potentially ending Dunstable's status as a dry town and adopting provisions and law allowing for the issuance of liquor licenses. This included the procedure for Town Meeting and whether a subsequent ballot question would be necessitated should a special act be passed by the General Court. Additionally, the town will need to consider on-premises sales under a number of categories such as hotels, restaurants, taverns, clubs, general-on-premises, or veteran's clubs. It should be noted that on-premises licenses may be for alcohol, wine only, or wine and malt only. In addition, Town Counsel also advises that the town should consider the issue of off-premises sales, such as those necessitated for package stores, for alcohol, wine only, malt only, or wine and malt only. There is also the issue of one-day liquor licenses. Finally, Town Counsel has also advised the Board to consider different special acts adopted for towns over the years for liquor licensing including full authorization for the Selectmen to grant licenses, as well as a few other variants concerning on-premises and off-premises. Ms. Hutton clarified for the Board that the General Court would have to pass a special act to change the town's status and this petition would have to be approved of at Town Meeting. Discussion then centered on types of uses and restrictions going to the heart of who can apply for licenses. There was a question about whether, for example, the General Store could sell beer and wine.

Ms. Hutton responded that would be a yes, assuming the town allowed convenience stores to obtain liquor licenses. She returned to what kind of limitations the Board wants to see and stressed that this isn't something that has to be decided tonight. The intent was to present the options as explained by Town Counsel. The Board agreed to consider the topic further at the Board's next regularly scheduled meeting. In the meantime, the Board discussed the number of communities in Massachusetts that remain dry. There are 8 communities in are dry, including Dunstable. This means roughly about 343 of the 351 municipalities in Massachusetts are wet. The Board expressed the opinion that allowing liquor licensing would not substantially change the character of the town. People in town already consume liquor in the privacy of their homes, and most would likely continue to do so. What this impacts is the possibility of some business such as restaurants. There was a question as to how much power the Board of Selectmen would have. Ms. Hutton elaborated on this, and explained that what can be licensed, and what the Board can do in regards to licensing, would be delineated in the special act approved at Town Meeting and sent to the General Court. So, if that special act didn't include package stores, to allow for them, would require another special act of the General Court. Otherwise, the Board would be the licensing authority for liquor licenses under the special act.

Ms. Hodgkinson had some reservations as to allowing licensing. Ms. Hutton noted there are two issues; the first is whether the town will remain dry. The second is where to allow liquor sales. The second question resides with zoning. The Board noted that the first question, whether the town remains dry, has to be answered before the zoning for it. If it is voted down at Town Meeting, it goes away. Ms. Hodgkinson suggested that this affects so many that this has to be clear. She allows that there has to be flexibility, but the quality of life, the traffic, and the rest have to be considered. Ms. Ernick also had concerns noting the issues that exist due to the Summer Concert Series. The parking from the concerts is already problematic and it is her concern that adding liquor to that could result in accidents. The Board responded that there are parking issues that have to be addressed and there a number of ways to do that. This may include having to move the concert series to Larter Field. There was a question of whether there would be special dispensations to businesses being proposed like that of Mr. Mason's. The Board said there would not be special dispensations, and there remains work that would be done in regards to that proposal and others. Mr. Mason noted he is in the room and willing to answer questions afterwards that neighbors might have regarding his proposal. The Board acknowledged that Mr. Mason is still working on his proposal and on making sure that reality meets his plans. Mr. McKenzie sized on the discussion to bring it back to the need for financial projections. This prompted discussion of comparison businesses as well as other related concerns. The Board then returned discussion to the matter at hand, the status of the town as dry or wet. Subsequently the Board closed the matter and moved on with the agenda.

Revolving Fund Proposals – Planning Board & Roads Commission

Ms. Hutton started off by informing the Board of Planning Boards request that it be considered, for the next Annual or Special Town Meeting, that an article be put forward to establish a revolving fund that the Planning Board may use to have developers contribute to when the Planning Board grants waivers for requirements in subdivision, special permit, or site plans approvals. This includes such requirements as sidewalks within

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subdivisions, granite curbing, and similar. The Roads Commission generally favors this proposal. Ms. Hutton reported that she has consulted with Town Council regarding the matter and Counsel has reservations. Town Council is concerned about the legality of such a waiver-for-fee system where subdivisions or site plan requirements are waived in exchange for a fee to be used for general road and sidewalk work. Counsel is concerned as to the validity of such a fee as a municipal fee and believes it would be vulnerable to challenges. Impact fees and related fees can be problematic based on case law in the Commonwealth. The Board noted that it is sensible to the issue of defensibility. The Board would prefer not to go into situations where the likelihood is high that the town would not prevail. Mr. Martin noted that virtually every town does this and no town has been sued yet. The idea is that if the town gives things up to a contractor, say a \$100,000 worth of sidewalk and drainage in a development, you have it so that they have to pay \$30,000 to that revolving fund. It might pave a street or build a sidewalk in another part of town. He reminded those present that when Alexander Way was built, Lake Street was severely damaged. With something like this in place that could have been resolved.

Ms. Hutton responded that currently when a waiver is granted, a fee is not collected. There are issues with waiver-for-fee systems in Massachusetts. Mr. Martin stated that the town gets nothing for the waivers currently. With this in place, damage created by trucks and equipment used by these developers could be fixed not on the town's dime but on the developers. The Board noted that if the damage can be attributed to the developers, their bonds for their projects can be utilized. This prompted discussion of the bonds and what their limits are, and whether this would work as a funding mechanism. Ms. Hutton disputed that this revolving fund proposal would work as a perfect mechanism for fixing damage by developers. Mr. Martin disputed whether a developer would ever sue if they are saving significant funds. Ms. Hutton responded that an abutter that opposes a development could potentially sue. She then clarified what parties that would be able to challenge this system stating that doing this is a roll of the dice. The Board suggested doing research to see if the case law being cited by Town Counsel may be satisfied in some way that still allows the town to develop a mechanism to fix damage to roads. Ms. Hutton elaborated on the issues and constraints that exist. The money essentially has to be spent where the development is, and not on accessory roads, and other parts of town. The Board expressed a wish to see a way developed to find ways to fix damages to roads by developers.

Mr. Gove elaborated on the issues of curbing, catch basins, and sidewalks in subdivisions and how waiving these currently provide no benefit to the town. He reiterated that this kind of proposal is widely used in Massachusetts and by many towns. The Board suggested that it might make sense to consider how much of a roll of the dice this is, and perhaps the town should talk to towns that have done this and seeing how they do it. Ms. Hutton noted that if this was adopted as a by-law it would fall under AG scrutiny and might fail that. The other option is to set it up as an account through ordinary means through Planning Board procedure, but it could set up a red flag for DOR. Ms. Simmons asked what the difference between this proposal and holding up developers for affordable housing. The Board addressed the issue of the Community Housing By-Law. The affordable housing issue falls under a different MGL scheme and is permissible. The Board determined that moving forward with considering the topic in further depth. Ms. Hutton asked the Board to articulate what specific information they want. The Board laid out several questions; most importantly how it could work successfully and what consequences might be entailed should the town lose a challenge. Questions including, how the towns have set it up, how it works, what they do. Ms. Hutton agreed to research the matter further.

Water Project Update

Ms. Hutton reported that the town is under a notice of non-compliance from DEP. She has been working with the Water Commissioners to resolve the issues. The Commission has a new engineer that is aiding them through the process. Meetings have been held with DEP, including the DEP official who wrote the non-compliance letter. One of the biggest steps relates to staffing at the Water Department. Ms. Hutton has some numbers and some plans for fixing the issue of staffing. She is working with private companies and other municipalities to determine how to resolve the issue and what the cost would be. One of the towns neighboring municipalities is interested in helping Dunstable. On the hydropneumatic tanks, DEP wants to know what replacement would look like and consideration of alternatives. She then went over some of the proposals for replacement. There is forward momentum and she feels confident that at the Annual Town Meeting a solution will be available. DEP has made it clear that if the town does not resolve the problems it has cited by May, DEP's forbearance with Dunstable's non-compliance will end. In the meantime, DEP would like an inspection of the existing tanks, but the town has a letter from an expert saying that such an inspection should not be done on these tanks at this stage as it could lead to failure. The Board stated it does not wish to encroach on the

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Water Commissions authority, but the Board does not wish to see only band aids. Rather the Board prefers a larger investment for the long term future of the system. If the town is going to spend a considerable sum, we should make an investment. Ms. Hutton noted that if the town were to go with atmospheric tanks, the system would be more readily expandable. There was some question as to the prior engineering. It was suggested that perhaps a complaint should be filed with appropriate officials regarding the previous engineers. Mr. Gove inquired as to what changes if any would occur to the existing Water Department and its employees. Ms. Hutton stated it is unlikely that it would change, and it is not the desire of the Water Commissioners for change. Discussion ended there.

Fire Department Structure

The Board started off by discussing a proposal for a regionalized Fire Department that is in very early discussions. Chief Rich inquired as to who started the discussions. The Board responded that one of the towns that would fall under this proposal did, but it was not Dunstable. Chief Rich inquired as to whether any Fire Chiefs in those towns have been consulted. The Board responded that they have not yet been at this stage as it remains a management matter. Chief Rich stated he is not opposed to regionalization, but suggested the town would still need to build a new public safety complex. The Board clarified that this would be negotiated at management level, and the first thing the town has to do is identify what benefit the town might gain from doing this. Each member community has to contribute something. In order for something like this to move forward, it will require management level. This will likely fall on the shoulders of the communities Town Administrators and Town Managers along with their Boards of Selectmen. And of course, any proposal for an inter-municipal agreement would require Town Meeting approval. Ms. Hutton noted that she has not been asked to do any work on this topic at this stage and has nothing prepared to report. It was agreed that there has to be research and data on this topic before a decision is made. Chief Rich suggested a feasibility study be considered. Mr. Gove inquired as to how many towns are interested. The Board responded that the number is likely as high as 5 towns. However, the towns involved are still considering it internally. There is nothing yet fully fleshed out. Ms. Hutton inquired about direction on this topic from the Board. The Board directed Ms. Hutton to pursue the matter further.

Public Safety Building Land Agreement Update

Ms. Hutton informed the Board that an agreement is almost ready for signing with the donating party. Some things still need to be hammered out, but she expects to have it ready for the Annual Town Meeting. A change has been proposed to the obligation to cure section as to problems with title. The land owner doesn't want responsibility to fix title issues that are non-mortgage related. Since the property is being donated, the property owner feels that is fair. There was a question as to whether there is a mortgage. Ms. Hutton stated that is boilerplate language. The Board had concerns about mortgages on the property. Ms. Hutton stated that mortgages would be up to the property owner. Ms. Hutton then noted that originally it was understood by the property owner that he would not have to pay for legal fees regarding this. The total cost for this would be around \$1,500 to \$1,800. The Board was not opposed to covering the fees considering the value of the land and reasonability of the fees. Ms. Hutton felt this would be reasonable and could come out of the town's legal budget. This estimate is from the property owner's attorney. It was clarified that the town would receive the land, and the restriction is that the land would not be usable for any other purpose. If the town said no to building the public safety building, the land would eventually revert back to the current owner. The current owner, a Mr. Simmons, will have a life estate on the property and once he passes his home will no longer remain a residence.

Swallow Union Culvert

Ms. Hutton started off by providing the Board with a plan for the Swallow Union Building. The plan is from 1977 which indicates the bounds of the building and its lot including the placement of the culverts. The school district would like a survey to be done. Previously the deed was attached to the lease as an exhibit. The district would like to see the town survey. There was a question about the Town Common and delineation of the line between the school building and the Common. The Board noted that to be accepted as a Town Common by the Commonwealth, delineation had to have been made. The town has the deed, but no survey of it. The minimum cost of a survey would likely be about \$12,000. There are two catch basins that are in need of repair. The Board inquired as to the cost of the catch basin repairs. Ms. Hutton reported she has not been privy to the

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districts determination of the costs. The Board determined that further research on the bounds would have to be done.

91 River Street

Ms. Hutton updated on 91 River Street. The town was forced to serve each resident through the Middlesex Sheriff's office. Currently residents remain on the property. They were supposed to be out by July and are not. Eviction and forced removal would be expensive, but the next step is eviction through court action. The Board noted that it was trying to be accommodating to the tenants, but is now forced to take action.

Administrators Report

Ms. Hutton started off by reporting that the Parks Commission turned down a donation of benches at Larer Field because they didn't like the design and were unwilling to compromise. They do not have the funds to place benches there on their own. The Board inquired as to what the total worth of the donation was. Ms. Hutton reported it was in the range of \$1,300. The Board was displeased generally, and noted the matter. From there Ms. Hutton informed the Board of the pinning ceremony for the Police Department scheduled for August 28th at 6:30 pm. She then reported on the Employee Appreciation BBQ. It was originally scheduled for August 23rd, 2017 but has been moved to August 30th, 2017. From there she reported that she has further meetings with Water officials later in the week. She then reported on the Senior BBQ. This is tentatively scheduled for September 24th, 2017 at 11 am. The Board determined they would attend both BBQ's, the one for the town employees and the one for Seniors.

Town Property Use Requests

The Board reviewed a request from Jon Swift and the Dunstable Theater Collaborative for use of the Grand Hall for a number of rehearsals and live performances. Dates span from September 2017 through January 2018. The Board saw no reason to oppose the request recalling that the stage in the Grand Hall was intended for this sort of purpose and wished the Collaborative well in its endeavor. But the Board did note that the Collaborative must be aware that they will be responsible for clean-up and may not overly impact janitorial and custodial support for the building. With that in mind the Board approved.

A motion to approve the application by the Dunstable Theater Collaborative for use of the Grand Hall from September 2017 until January 2018 was made by Ms. Basbanes and seconded by Mr. Mikol. The motion passed without objection.

Minutes

The Board considered the minutes for the meeting held on July 26th, 2017, August 8th, 2017, and August 9th, 2017. The Board seeing no necessary changes or corrections approved the minutes as written for August 8th and 9th as written, but noted corrections for July 26th.

A motion was made by Ms. Basbanes to approve the minutes of July 26th, 2017 pending modifications. The motion was seconded by Mr. Mikol and passed without objection.

A motion was made by Ms. Basbanes to approve the minutes for August 8th, 2017 as written. The motion was seconded by Mr. Mikol and passed without objection.

A motion was made by Ms. Basbanes to approve the minutes of August 9th, 2017 as written. The motion was seconded by Mr. Alterisio and passed by majority vote with one abstention.

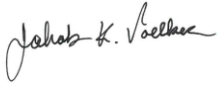
Warrants & Mail

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. The Board then reviewed its mail.

Approved and adopted on 9/6/17

A motion to adjourn was made by Ms. Basbanes at 9:45 pm. The motion was seconded by Mr. Mikol and passed without objection.

Respectfully submitted by

A handwritten signature in cursive script that reads "Jakob K. Voelker".

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

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