

Town of *Dunstable* Selectboard
Executive Session Minutes
February 20, 2018
Town Hall, Dunstable, MA 01827

Convened: 8:30 pm

Present: Walter F. Alterisio, chair, Leah D. Basbanes, vice chair, Ronald J. Mikol, member; Tracey Hutton, Town Administrator

Proposed Commercial Lease of River Street Property

Ms. Hutton reported on a development concerning the town's River Street property. Her office has been approached by a commercial wood chipping business. The business, in its use of the property, would also be willing to allow for the opportunity for community composting as well as wood chipping. The monthly lease amount would be around \$2,500 a month. When the town leased the house, 91 River Street, the lease brought in \$1,800 a month. This proposed lease, due to its commercial nature, would have to be approved at town meeting. The townspeople would have a place to bring compost, brush, and wood for chipping. Oversight authority would remain with the Town Administrator and the Board. The property would be inspected on a regular basis, likely by the Fire Chief for any fire danger. Board of Health would also likely monitor the materials brought in. The Board inquired as to the compost and what would be done with it. Ms. Hutton wasn't sure but agreed to inquire as to whether it would be sold or available to residents for free. The Board noted that the earth removal by-law might have an impact on the proposal and should therefore be considered carefully. The Board also wanted to ensure that proper maintenance would occur and avoid a situation like what happened on Ronald McLoon's property in the past when an illegal stump dump was created. The Board then subsequently had some questions regarding what permits might be needed.

Ms. Hutton felt that it is unlikely that there need be many permits as this is for an agricultural use despite its commercial nature. Agricultural use might require obtaining a special permit. The Board had a question about possibly drying of wood chips. Ms. Hutton elaborated that the business is proposing using an environmentally friendly dye. The Board then inquired about the various things that need to be disposed of on the property. This includes the removal of the building itself, as well as a bus on the property and a few other odds and ends. Ms. Hutton reported that disposal of these items is ongoing. The Board determined that conceptually there isn't a problem with this, but the town needs to avoid any possible problems. This could go very well, or go very wrong if it isn't vetted properly. The Board also expressed some concern about how monitoring would be achieved. Ms. Hutton responded that the details are yet to be worked out. The idea needed to be passed by the Board before getting to that stage. The Board then noted some ways this could be helpful, including for the disposal of beaver dam materials and materials removed from culverts. There were also some concerns about traffic on River Street and any earth that might be transported or possibly left in the form of mud on the road. Guarantees would be needed from the interested business. Additionally, it will be important to include the Roads Commission in this. Ms. Hutton finished by outlining what concerns she understands the Board to have, and how she would move forward with hashing out the details of a proposal with the interested business.

Latest on Dumont Property

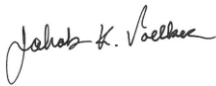
Prior to adjourning, since the Executive Session concerns real estate in general, the Board inquired as to the Dumont property and where things stand. Ms. Hutton reported on her current progress. So far most of it has to do with the solar part of the plan. The solar company the town might partner with has determined that 12 acres would be needed for any solar project on the property. Additionally, the panels would have to be close enough to the existing powerlines. Thankfully, the location on that property where the town would like to see them placed would be close enough, Ms. Hutton reported. She assured the Board that she is continuing to make headway on this project. There's still no number on the land right now, but the Dumont's are firm on their price. It appears that the Dumont's believe they can sell their garage as a business property, but under zoning it cannot be used for a commercial business. There was light discussion of whether any new business would be able to obtain a special permit. Ms. Hutton went over how Special Permits work and what is allowed. There was then discussion of rezoning. Spot zoning is impermissible. This prompted light discussion over the history of

Approved and adopted on 4/18/18

zoning in Dunstable and how the area of the garage was zoned residential in the first place. It was clarified that any resident can ask for rezoning of their property which prompted some brief discussion of the difference between unlawful and illegal rezoning. Spot zoning is not per se illegal, but it is essentially unlawful. This basically means the Attorney General won't approve a zoning by-law change determined to be spot zoning. So a property owner could ask for a change in zoning of their specific property, which could go so far as to be approved at town meeting, but the AG would almost certainly decline to approve such a change effectively preventing it. Discussion ended shortly thereafter.

A motion to exit Executive Session and adjourn was made by Leah D. Basbanes at 9:00 pm. The motion was seconded by Ronald J. Mikol. The motion was then adopted without objection by Walter F. Alterisio, Leah D. Basbanes, and Ronald J. Mikol.

Respectfully submitted by



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