



OFFICE OF THE
PLANNING BOARD
TOWN HALL, 511 MAIN STREET
DUNSTABLE, MA 01827-1313
(978) 649-4514 FAX (978) 649-8893
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Planning Board Minutes Monday, October 3, 2011

Meeting was called to order by Chairman, George Basbanes at 7:30pm.
Members present: Willard (John) Goldthwaite, Jr., Joan Simmons, Brett Rock and Joe Vlcek
Meeting held: At the Dunstable Town Hall, 511 Main Street, lower level

Meeting Minutes – September 19, 2011

John made a motion to approve the minutes, as submitted, from the September 19th meeting. Joe 2nd the motion. – Motion passed unanimously.

Review and Sign Bills/Payroll

Brett made a motion to sign the invoice for office supplies and the secretary's payroll. Joe 2nd the motion. – Motion passed unanimously.

Omnipoint Bond – Monopole at 583 Pleasant Street

In the 2002 special permit for Omnipoint telecommunications at 583 Pleasant Street, it stated that the bond should be reviewed and updated every seven years. The secretary received the new bond and gave a copy to Jeff Rider, the Town Engineer, for review. The Planning Board asked Jeff to review the bond to insure that the amount is adequate for removal of the monopole.

Joint Grass Brook Estates – Woodland Road – Ken Tully subdivision

Mr. Tully faxed a letter, dated September 28th, over to the Planning Board requesting an extension on his Form G (bond to finish road) for Joint Grass Brook Estates (Woodland Road) due to the poor economy and lack of sales. Brett made the following motion, "I move that the Planning Board pursuant to the written request of Kenneth Tully, d/b/a/ Tully Homes, dated September 28, 2011, that the Board amend the Form G – Performance Secured by Deposit of Money Agreement, issued and executed in connection with the Joint Grass Brook Estates definitive subdivision, said Agreement dated October 16, 2006, and recorded at the North Middlesex Registry of Deeds, Book 20608, Page 41, such that the mandatory completion date for improvements be extended from October 16, 2011 to October 16, 2013. In all other respects, said agreement is ratified and affirmed." Joe 2nd the motion. – All members voted in favor with the exception of John who abstained from the vote.

Special Permit Hearing – 516 Main Street – New Cingular Wireless PCS, LLC d/b/a AT&T Mobility, LLC, tenant - c/o SAI Communications

George opened the special permit hearing for New Cingular Wireless PCS, LLC d/b/a AT&T Mobility, LLC, tenant. In attendance for the applicant was Francis Kelley from SAI Communications (representative for AT&T). Mr. Kelley explained that AT&T would like to modify equipment at an existing site (Evangelical Congregation Church) by adding three LTE



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antennas, remote radio heads (RRHs, two per sector) and a surge arrester. Also, a new Radio Base Station (RBS 6601) in the 23" equipment rack and a 2" flex conduit and cable inside the existing equipment room. He went on to say that the appearance of the church will not change. The Board asked if the church was aware of the application, and if they had any objections to the change/addition of equipment. Dana Metzler, a church member in attendance, said that the Congregational Church Board supported the AT&T filing. Peter Georges asked if the term of the lease was going to change and about other carriers being added to the church. Mr. Kelley said that they were not proposing to extend the term of the lease and it was up to the church if they wanted to bring other carriers on. Joan asked about the 4G interference. Mr. Kelley said that all their frequencies are approved and licensed through the FCC.

After the discussion Brett made a motion to close the hearing. Joe 2nd the motion. – Motion passed unanimously.

Joe then made a motion to approve the following waivers

a) From Zoning Bylaw Section 21(C)(2): Submitting a color photograph or rendition of the proposed monopole or tower with its antenna and/or panels. A rendition shall also be prepared illustrating a view of the monopole, tower, dish, and antenna from the nearest street or streets with a visual impact analysis statement.

b) From Zoning Bylaw Section 21(C)(3): The following information prepared by one or more professional engineers: a description of the monopole and the technical, economic and other reasons for the proposed location, height and design; confirmation that the monopole complies with all applicable Federal and State standards; a description of the capacity of the monopole including the number and type of panels, antenna, and/or transmitter receivers that it can accommodate and the basis for these calculations.

c) From submitting plans and calculations related to a monopole or tower installation as this is an existing church. No modifications to the grading, drainage, access, lighting or landscaping are proposed.

Motion was 2nd by John Goldthwaite. Motion passed unanimously. The votes were: Joan Simmons– approve waivers, Joseph Vlcek– approve waivers, Brett Rock– approve waivers, Willard J. Goldthwaite, Jr. – approve waivers, George Basbanes-approve waivers.

Brett made a motion to approve the Special Permit with the following conditions, and the approved waivers listed above.

A statement must be provided to the Planning Board that the additional equipment complies with the Federal Communication Commission, Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health. (DZB 21(B)5.) before the issuance of a building permit.



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Please forward photos of site to the Planning Board after the equipment is installed.

Site Plan Approved: Site number MA3493, Dunstable Main St (MA1623) from SAI Communications, 22 Keewaydin Drive, Salem, NH 03079, for AT&T, 550 Cochituate Road, Framingham, MA 01701, dated 05/09/11 Title Sheet (LTE) (T-1), General Notes (LTE) (GN-1), Roof & Equipment Room Plan (LTE) (A-1), Antenna Layout & Elevation (LTE) (A-2), Details (LTE) (A-3), Plumbing Diagram & Details (LTE) (G-1)

Motion was 2nd by John Goldthwaite. Motion passed unanimously. The votes were: Joan Simmons– approve special permit, Joseph Vlcek– approve special permit, Brett Rock– approve special permit, Willard J. Goldthwaite, Jr. – approve special permit, George Basbanes– approve special permit.

Special Permit Hearing continuation–205-215 Pleasant St.–MSR Utility Maintenance Corp.

George opened the continuation of the Special Permit hearing for 205-215 Pleasant Street (MSR Utility Maintenance Corp. - Matthew Raymond). Attorneys Douglas Deschenes and Melissa Robbins, and Project Manager Matt Hamor were in attendance for the applicant. Attorney Richard Larkin and Engineer Jeff Rider were in attendance for the Town. George started off by asking Attorney Deschenes about liability insurance in case of an accident involving Salmon Brook. Attorney Deschenes said that his client is willing to add environmental insurance under his existing corporate policy.

George then asked if there was anyone that would like to speak in favor or opposition of the application for the Special Permit.

Joe Dean read a statement reiterating that he and his wife would like the Board to deny the request for the Special Permit. A similar statement was read at the last meeting.

Alan Chaney from the Conservation Commission said that although this was a planning matter, approving this Special Permit would be poor planning. He went on to say that the insurance mentioned earlier would be irrelevant if Salmon Brook was contaminated. George asked Alan if he knew of any injury caused to Salmon Brook since Mr. Raymond has owned the property (2004). Alan said that he hadn't, but felt it was a matter of probability.

Jim Regan made an observation that while reading through the minutes of August 15th; he noted that Mr. Raymond is just asking to park his company vehicles on the property. No chemicals are going to be stored (other than household quantities) and no changing of oil, etc. are being asked to be done on the premises. Joan pointed out that under the use that Mr. Raymond is seeking; it states "storage and maintenance of vehicles". She went on to say that the area is not only important to the town, but it is protected by the Rivers Act, Water Protection Bylaw and is an area of critical environmental concern. Brett and George both agreed that if approved, the Board



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may request that a clause be incorporated into the Special Permit not allowing those activities, with periodic inspections being done by the Building Inspector.

Attorney Deschenes then presented a petition from most of the abutters supporting Mr. Raymond's request for a Special Permit for his business. Attorney Deschenes said that they are not seeking a variance, the Zoning Bylaw allows for the use (by Special Permit) and Mr. Raymond is agreeable to having the permit apply only to his business so that it's not transferrable if the property is sold. He went on to say that Mr. Raymond does not keep oil beyond household quantities on the premises, a small amount of welding is done (as is allowed in households), no fueling is done on the property and the trucks are registered and maintained. He also said that the Town is within its rights to have the Building Inspector periodically inspect the premises to insure that the conditions spelled out on the Special Permit are followed.

Wendy Harvey said that she is concerned about the impact of this business to the environment.

Brett asked Mr. Raymond if all his vehicles are registered in Dunstable. He replied, "Yes".

Joe Dean repeated what was in his letter of August 12, 2011 regarding a bulldozer on Mr. Raymond's property too close to the brook, disrupting the neighborhood. Leah Basbanes, Chair of the Conservation Commission, stood up and said that after a complaint was received from Mr. Dean, the Commission went out to site. Members did not witness a bulldozer or any evidence of bulldozer tracks on the property or bank of Salmon Brook. As it turned out the Commission later found out that there was a bulldozer on a neighboring property.

Bill Moeller asked why the Water Supply Protection Bylaw wasn't integrated into the application, particularly sections 5, 6, 7, and 8. He went on to say that the Board of Health, Conservation Commission, Board of Road Commissioners and Board of Water Commissioners were supposed to be notified so they could comment on the application. Karl Huber, Water Chairman, said that they were notified about the project and Mr. Raymond is fully aware of the bylaw. The Secretary spoke up saying that the Boards mentioned above were notified and that the only Board that returned comments was the Conservation Commission.

Brett asked about lighting of the buildings. Mr. Raymond said that there wouldn't be any change from what is there now.

George asked Matt Hamor about the soil study materials he submitted. He explained that the left side of the property has rated 'A' soils in the Hydrologic Soil Group (HSG) with a quick infiltration rate. The right side has 'D' soils with a poor infiltration rate. The groundwater flows towards Salmon Brook. Bill Moeller asked how the ground water flow was determined. Matt said that he gathered the information from a previous conservation submittal. George asked if paving the upper parking lot would limit any damage caused by an oil or gas leak from one of



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the trucks, if one were to occur. The parking lot could be sloped so fluids would drain into a slight dip in the middle of the lot which would be equipped with drainage infrastructure. Jim Regan asked that if there is to be paving done, that it be minimal.

Joan asked about the regulation regarding a containment system for the storage of liquid hazardous materials in the trucks. Mr. Hamor told members that that regulation refers to storage not in vehicles. Vehicles must comply with the Mass Contingency Plan and the trucks are all regularly inspected and maintained. Karl Huber told the Board that the Board of Water Commissioners joined the MaWARN consortium so the department has access to surrounding towns and equipment if a problem were to arise.

Joe explained to those in attendance that during the site visit on Friday, August 19th, the Board viewed the four structures and the upper parking lot. One building is used for Mr. Raymond's collection of antique cars, one is a house used by a Ms. Debarbian (life estate), one building is used to store exercise equipment and the remaining building is an office. The current structures meet the requirements for B1. Mr. Raymond is requesting Special Permit approval under 8.2 of the Zoning Bylaw to store his vehicles on the property.

Jim Regan asked the Board that if Mr. Raymond's special permit was approved and he decides to sell one of his vehicles, and replaces it with another, would he have to come back before the Board again. George said he would not.

After the discussion, at which opportunity was given to all those interested to be heard or who wanted to ask questions, Joe made a motion to close the hearing with the understanding that if additional information is provided that the Board feels is pertinent to them making a decision, the Planning Board may reopen the hearing before a decision is made. Brett 2nd the motion. – Motion passed unanimously.

George announced that the Board would start deliberations tonight and continue on Monday, October 17th at 7:40pm. Board members were also instructed to generate a list of conditions for the Special Permit so they could be discussed at the October 17th meeting.

Brett made a motion to close the meeting at 9:23pm. Joan 2nd the motion. – Motion passed unanimously.

Respectfully submitted,

Cheryl A. Mann
Secretary
Dunstable Planning Board