



OFFICE OF THE
PLANNING BOARD
TOWN HALL, 511 MAIN STREET
DUNSTABLE, MA 01827-1313
(978) 649-4514 FAX (978) 649-8893
planning@dunstable-ma.gov

Planning Board Minutes Monday, November 21, 2011

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

Meeting Minutes – November 7, 2011

Joe made a motion to approve the minutes, as submitted, from the November 7th meeting. John 2nd the motion. – Motion passed with George abstaining from the vote.

Review and Sign Bills

None

Review Payroll

The Secretary's payroll slip for 11/6/11-11/19/11 was reviewed by the Board.

Deliberations of MSR Utility Maintenance Corp. 205-215 Pleasant St. Special Permit

In attendance to answer questions on behalf of the applicant: Attorney Douglas Deschenes and Engineer Matt Hamor. In attendance for the Town: Town Counsel Rich Larkin and Town Engineer Jeff Rider.

The Board asked Jeff if the concerns he had voiced at the October 17th meeting with regard to the gravel upper parking area have been addressed. Jeff said that Mr. Hamor had addressed some of his concerns and that he is satisfied with the plan submitted tonight which essentially protects the water supply, detects potential problems if they arise and minimizes damage to the clay layer of the lot.

Mr. Hamor explained the changes he made to the plan of the upper parking area. They are: to expanded the clay area, run a 6" diameter perforated HDPE pipe laid level across the parking lot (L=90', INV=183.5), install a cleanout on the left side of lot attached to a solid wall PVC, install a 6" diameter solid wall PVC pipe with emergency shutoff valve (L=15', S=0.01, INV IN=183.5, INV OUT=183.35), and put in a level spreader with 6" diameter perforated HDPE pipe laid level (INV=183.35) (level spreader outlet=184.35). Mr. Hamor stated that with this system, if a spill occurred, it would take about 3 hours to get to the pipe and 6 days to get through the clay layer.

After further discussion, Brett made a motion to approve the Special Permit for MSR Utility Maintenance Corp. subject to the submittal of the final plan and approval of said plan by Town



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Engineer, Jeff Rider, also subject to the following conditions (as reviewed and amended at tonight's meeting).

1. This Special Permit is granted for the operation described by the applicant in his application and related submittals, and so found herein by the Board, and any substantial modification of the operation or the typical and customary functions carried out under it shall constitute a violation of the conditions of the Special Permit.
2. This Special Permit will be reviewed in two (2) years. If the Board determines that any violation of the conditions set forth herein has occurred; the Board may request the issuance of a cease and desist order by the zoning enforcement officer, or other appropriate enforcement action, including if appropriate revocation of the Special Permit.
3. The Planning Board, or their designee, including without limitation the Conservation Commission, may make periodic site inspections to confirm that the site and operations are in conformance with the conditions of this Special Permit. Such inspections shall be at reasonable intervals, during normal business hours, and shall not require notice.
4. Uses and activities allowed under this Special Permit:
 - a. The building identified as 207 Pleasant Street may serve as a business office function of MSR Utility Maintenance Corp.
 - b. The building identified as 205 Pleasant Street may be used as vehicle and material storage for MSR Utility Maintenance Corp. in conjunction with personal storage by Matthew Raymond subject to the additional conditions of this Special Permit. No repairs of equipment or vehicles except for minor routine maintenance or minor repairs shall be allowed in this building. Any work that could cause or result in a significant leakage of fuel, or oil, or other fluid is prohibited.
 - c. No Special Permit uses are authorized hereunder for the structures at 209 and 215 Pleasant Street.
 - d. Two 8ft. x 19ft. storage containers may be used for material storage for MSR Utility Maintenance Corp. and shall remain in the location shown on the plan referenced below in this Special Permit.
 - e. The upper parking lot shall be used for parking of a maximum of sixteen (16) vehicles or pieces of equipment (a trailer and contents shall be counted as one piece of equipment) of which no vehicle shall exceed 65,000 GPW.
 - f. Given the proposed uses, the existing parking is sufficient for the site. The Planning Board hereby specifically finds pursuant to Section 12.2.2. of the Zoning Bylaw, based on clear and convincing evidence presented by the applicant, that owing to the special circumstances of its use as described hereunder, the parking ratios specified in said Section 12.2.2. need not be required.



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- g. No other outside storage of vehicles or equipment, beyond what is authorized in this Special Permit, can be carried on.
 - h. Storage of other non-hazardous materials/equipment, if any, must be kept out of sight of the road.
5. The upper gravel parking area must follow the sketch plan that was submitted by Matt Hamor at the meeting of November 21, 2011 with the approval of the Town Engineer and the Planning Board and attached to this decision. Specifically, the drainage plan outlined on the sketch plan, to be incorporated with appropriate technical detail on the final site plan, shall be installed and implemented before lawful exercise of the Special Permit. A final site plan incorporating the elements of the aforesaid sketch plan must be submitted, reviewed and approved by the Town Engineer prior to the filing of the Special Permit at the Registry of Deeds.
6. No additional lighting shall be installed on the site.
7. The only liquids allowed to be stored on the site are those in integral tanks for vehicles and equipment needed for their operation such as fuel tanks, water and small fuel containers no larger than 5 gallons. No hazardous materials, petroleum oil, lubricants or potential contaminants greater than 25 gallons aggregate may be additionally stored on the premises, excepting heating oil used for heating of the buildings.
8. This Special Permit is not assignable, and shall be subject to revocation in the event that the ownership of the stock of MSR Utility Maintenance Corp. by Matthew Raymond and/or members of his immediate family is less than 51%. Proof of ownership in accordance with the foregoing sentence shall be provided by MSR Utility Maintenance Corp. if requested at any time by the Building Inspector or the Planning Board.
9. Signage must be limited to what is allowed in a B1 zone.
10. Any and all construction vehicles or equipment stored on the premises shall be owned or leased by MSR Utility Maintenance Corp. or otherwise used in the active service of applicant's business. Storage of vehicles or equipment of others is not permitted (except as noted in 4d above).
11. No construction vehicles of the character ordinarily used in the business or similar equipment shall be parked on a regular basis in the forward part of the property including the front of the buildings.



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12. The Town of Dunstable shall be named as an insured party, or equivalent, on the MSR Utility Maintenance Corp. environmental insurance policy. A copy of the Certificate of Insurance shall be filed with the Planning Board prior to endorsement of the plans.
13. The operations including starting, running, moving or maintaining heavy equipment or trucks shall be limited to 6:00am – 7:00pm, Monday through Saturday, excluding Federal and Massachusetts holidays, except during emergency operations.

John 2nd the motion. – The vote was:

Joseph Vlcek – approve the special permit
Brett Rock – approve the special permit
Willard J. Goldthwaite – approve the special permit
George Basbanes – approve the special permit
Joan Simmons – not in attendance

The Special Permit was approved 4 votes.

Motion was made to close the meeting at 8:48pm. Motion was 2nd. Motion passed unanimously.

Respectfully submitted,

Cheryl A. Mann
Secretary
Dunstable Planning Board