



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, October 15, 2012

Meeting was called to order by Chairman, Brett Rock at 7:30pm.

Members present: Joe Vlcek, George Basbanes, Joan Simmons & Willard J. Goldthwaite Jr.

Meeting held: At the Dunstable Town Hall, 511 Main Street, lower level

Note: A Groton-Dunstable High School student was in attendance observing the meeting for a civics class.

Scenic Road Hearing continuation – 205 High Street – John Cirrone

Tree Warden, Bob Bacon was in attendance along with John Cirrone. Brett announced that the hearing was opened on October 1st (by Joan Simmons) and immediately continued to October 15th because of a lack of quorum. He also stated that since the homeowner is interested in removing trees in the right of way, this hearing was being held in conjunction with the Tree Warden (Bob Bacon).

Tree Removal:

The week prior to the meeting, Mr. Cirrone was asked by the Tree Warden (Bob Bacon) to tag the trees that he is interested in taking down. Mr. Cirrone explained that some fairly large trees will need to be removed during the restoration of the stone wall at 205 High Street. Bob Bacon told Mr. Cirrone that there are some nice healthy Sugar Maple trees that he would not like to see removed. A contractor in attendance for the 7:40pm hearing (who also bid on this project) asked the Tree Warden if it would be possible to remove the sugar maples near the wall if they replanted young sugar maples somewhere else on the property. He went on to say that some of the trees have roots growing throughout the wall. Mr. Bacon explained that some of the maples in question are 6-8" in diameter, about 20-25 years old, and would be nearly impossible replace. He would like to see many of those trees saved. After the discussion, Mr. Cirrone agreed to call the Tree Warden when a contractor is chosen so the three of them could work together in deciding which trees will be kept.

Stone Wall:

The Board asked Mr. Cirrone to explain what his plans are for the restoration of the stone wall. He said that although he has not hired a contractor, he does like the type of wall being constructed at 140 High Street. He went on to say that right now the wall is not much of a wall and is covered over with growth. Members said that they believe the intent of the Scenic Road Bylaw is to preserve the historic walls that are seen throughout the town. They voiced their frustration that there aren't clear guidelines in



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the statute for the rebuilding of stone walls. George asked about the break that was made in the wall near the north side of the property. Mr. Cirrone said that he plans to restore the wall in that area. After the discussion, Joe made a motion to close the Scenic Road/Cutting of Public Shade tree hearing. George 2nd the motion. – Motion passed unanimously. George then made a motion to authorize Mr. Cirrone to do the following at 205 High Street:

1. Remove the brush and small trees 1-1/2" and under in diameter that are around stone wall. No trees over 1-1/2" in diameter may be removed at this time. Once Mr. Cirrone has decided on a contractor, he will contact Tree Warden, Bob Bacon for further instruction on which trees are allowed to be removed (978-649-4514 x230 – Secretary for the Planning Board, Cheryl Mann).
2. The break in the stone wall at the northern end of the property shall be repaired.
3. No additional openings in the stone wall are permitted.
4. The stones removed shall be used in the rebuilding of the stone wall. If any stones are brought in, they must be natural field stones.
5. No further alteration or work, except as permitted above, shall be performed without the prior authorization of the Planning Board or in the case of tree removal, the Tree Warden.
6. Work shall be completed within 12 months of the date of this permit unless the homeowner requests an extension of the permit in writing to the Planning Board and such Board approves the extension.
7. The Board requests that the applicant send photos when the project is completed to: Planning Board, 511 Main Street, Dunstable, MA 01827.

Joe 2nd the motion. Joan again reiterated that she believes the spirit of the bylaw is to preserve the historic stone walls. Vote was then taken. Motion passed unanimously.

Building Permit – 379 Forest Street – Nigohosian

Ms. Nigohosian presented a building permit for a new home at 379 Forest Street. This property came before the Board in 2011 as an ANR. George made a motion to sign the building permit. Joe 2nd the motion. – Motion passed unanimously.



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Building Permit – 359 Forest Street – Price

Ms. Price presented a building permit for a new home at 359 Forest Street. This property came before the Board in 2011 as an ANR. George made a motion to sign the building permit. John 2nd the motion. – Motion passed unanimously.

ANR – Forest Street/Main Street – Timothy and Deborah Miller

In attendance were Jeff Hannaford from Norse Design Services as well as Deborah Miller. The Millers filed an ANR in order to reconfigure two lots into three lots on Forest Street and Main Street. Town Engineer, Jeff Rider, provided the following comments:

1. Section 11.3.3 of the Zoning Bylaw requires that the minimum frontage distance be maintained from the street line to the front of the house. Section 11.3.1 requires that the plan shows a 150' diameter circle in which the house shall be located. The frontage shown on the plan is 200.02'. The northeasterly sideline of the lot bends at an angle point toward the opposite sideline, thereby reducing the distance between them. It appears that distance at the front of the circle parallel with the street line is less than the required 200' and the farther back you go the distance get smaller.
2. This subdivision is comprised of two lots that are being combined into one and the re-subdivided into three lots. The two original lots are owned by Deborah and Timothy Miller. The application was signed by Deborah only as the applicant; the signature of all owners is required.
3. C&C has no other issues with this submittal.

Item #2: The Secretary told members that Timothy Miller e-mailed a signed Form A page to the Board the afternoon of the meeting; therefore, item #2 has been satisfied.

Item #1: Jeff Hannaford provided proof that although it appeared that the distance to the circle, parallel with the street line, is less than the required 200', it was actually 203.21' before the circle and 200.02' about 1/3 of the way into the circle.

George made a motion to sign the ANR – Plan of Land - Forest Street and Main Street, prepared for Timothy I. & Deborah P. Miller, dated September 26, 2012. John 2nd the motion. – Motion passed unanimously.

Scenic Road Hearing continuation – 140 High Street – Richard W. Gallant

Two contractors from Drumlin Hill Landscape were in attendance representing Mr. Gallant. Brett announced that the hearing was opened on October 1st (by Joan Simmons) and immediately continued to October 15th because of a lack of quorum.



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The Board expressed their frustration that they have not heard from Mr. Gallant. He did not attend the September 17th meeting as requested, nor has he contacted the Board regarding the letter dated August 30th asking him to cease all further work. Although George had stopped at the property the end of August and advised the crew to stop working until authorization by the Planning Board was given, members have seen (and the contractor admitted) laborers out there working on the stone wall up through today. There was discussion regarding fining Mr. Gallant for violation of the Town of Dunstable's Scenic Road Bylaw. George made a motion to grant the permit with the following stipulations:

1. A fine of **\$300** must be paid before any additional work takes place. The fine paid is for a violation of the Town of Dunstable Scenic Road Bylaw - Chapter 40, Section 15C of Mass General Law and under the Town of Dunstable Citation for Violation of Town Bylaw, Rules or Regulations.

The applicant is authorized to alter the stone wall on lot 16-27-0, 140 High Street, as follows:

2. No trees will be removed in the repair of the stone wall.
3. No additional openings will be created and no increase in width of existing openings.
4. All recovered stones will be used in the rebuilding of the wall.
5. No further alteration or work, except as permitted above, shall be performed without the authorization of the Planning Board.
6. Work shall be completed within 9 months of the date of this permit unless the homeowner requests an extension of the permit in writing to the Planning Board and such Board approves the extension.
7. Board requests that the applicant send a photo when the project is completed to: Planning Board, 511 Main Street, Dunstable, MA 01827.

Joe 2nd the motion. Motion passed unanimously.

Meeting Minutes of September 17, 2012

Joe made a motion to approve, as written, the minutes of the September 17th meeting. George 2nd the motion. – Motion passed unanimously.



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Review and/or Sign Invoices

None

Review and/or Sign Payroll

None

Additional Topics Discussed Not Noted on the Agenda

George made a motion to close the meeting at 9:16pm. John 2nd the motion. Motion passed unanimously.

Respectfully submitted,

Cheryl A. Mann
Secretary
Dunstable Planning Board