



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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Approved: October 7, 2013

Planning Board Minutes Monday, September 16, 2013

Meeting was called to order by Chairman, Willard (John) Goldthwaite Jr. at 7:29pm.
Members present: George Basbanes, Brett Rock, Joan Simmons and Joe Vlcek
Meeting held: At the Dunstable Town Hall, 511 Main Street, lower level

Meeting Minutes of August 19, 2013

Joan made a motion to approve, with noted change, the minutes of the August 19th meeting. Brett 2nd the motion. – Motion passed unanimously.

Review and/or Sign Bills

None

Review and/or Sign Payroll

The Secretary's payroll slip was signed.

Ken Tully – Question on Backland Lot Filing – Main Street

Ken Tully approached the Board asking if he needs to file for a Special Permit to build a house on an existing backland lot. The Board told him that he needs to go through the permitting process because although the lot was formed in the 1980's, it is labeled as "not a buildable lot". The "use" requires a permit filing.

River's Edge Estates – River Street - Loftus

Attorney Kevin Erickson, Engineer Tin Chang and Alexander Wolfram (Loftus Company) were in attendance to discuss a conceptual open space plan of River's Edge Estates. Currently, Mr. Wolfram has an approved traditional subdivision for thirty-six houses, each on 2 acres of land. The open space plan shows thirty-six houses divided into two cluster cul-de-sacs on lots of 35,000 sq. ft. to 1 acre. The remaining open space will be deeded to either the Division of Fisheries and Wildlife or the Conservation Commission. The entire parcel is 215 acres, of which approximately 53 acres would be developed with the remaining left as open space (in Dunstable and Pepperell). The lengths of the cul-de-sacs are 900 linear feet for one and a total of 3,630 in the other. The project would be built in phases. Brett indicated that he was in favor of the cluster plan. Joan said she was also, but with a few less houses. George voiced his concern with the length of the cul-de-sac saying that a 3,630 foot long road serving twenty-two house lots may be insufficient if dealing with an emergency. There is only one way in/out of



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the road. To resolve the inadequacy, the Board discussed the builder adding an emergency access connecting the two cul-de-sacs.

The Board asked Conservation Commission members that were in attendance for their thoughts on the revised plan. Leah Basbanes, Alan Chaney, Bill Moeller and Judy Larter attended the meeting and indicated that the plan was heading in the right direction stating that less road and an increase in open space is better for the environment. Alan said that a cluster development will give the development a "small community" feel. The Commission did indicate that they would like to see fewer houses. Bill brought up that although he agrees in principle with the plan, it is conceptual and extensive soil testing would need to be conducted for the wells and septic systems.

Mr. Wolfram was asked if he plans on selling off the lots. He said that his plans were to build the houses.

George brought up the Affordable Housing section of our General Bylaw and asked that Mr. Wolfram take that into consideration when redesigning the plan.

Extension of Form G – Woodland Estates – Ken Tully

The Secretary received a request from Ken Tully to extend the date on his Form G (Woodland Estates) for two years. Joe 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 9, 2013, 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, 2013 until October 16, 2015. In all other respects, said agreement is ratified and affirmed". Brett 2nd the motion. – Motion passed unanimously.

Temporary Marijuana Moratorium Discussion

The Board discussed whether the town should implement a temporary marijuana moratorium in order to give officials time to address Special Permit requirements for a registered marijuana facility. After the discussion, Brett made a motion to place a temporary marijuana moratorium warrant article on the next Special or Annual Town Meeting. Joan 2nd the motion. – Motion passed with Joe and George voting "no".



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In-law Apartment Discussion – Possible Zoning Amendment – Section 6.2(g)

The Board asked Town Counsel Rich Larkin to review Section 6.2(g) of the Town of Dunstable's Zoning Bylaw. Attorney Larkin's memo of September 16th indicated that the town may want to revise Section 6.2(g) by removing the family/in-law requirement and adding a specialized type of apartment that meets the "affordable" requirements of Chapter 40B.

Discussion on the Community Housing General Bylaw

The Planning Board asked Attorney Larkin to summarize the applicability of the Community Housing General Bylaw for new subdivision proposals. In his memo to the Board of September 16th, he said that the Community Housing Bylaw is a General Bylaw, not a Zoning Bylaw. It "attempts to impose a requirement of a certain proportion of statutory affordable housing units in any residential housing project...". Rich feels that the State of Massachusetts regulates land use development through Zoning Bylaws and that this General Bylaw is "sailing into new legal waters". The Board would like to discuss this further with Attorney Larkin.

Additional Topics Discussed Not Noted on the Agenda

Appointment of a Temporary Engineer to review River's Edge Estates

The Planning Board received a note from Jeff Rider listing three firms that he recommends to review the River's Edge Estates project. Cuoco and Cormier (Mr. Rider's firm) is redesigning the project, therefore, Jeff can not review the plan for the town. After review of the list, the Board asked the Secretary to notify the Board of Selectmen that they recommend Pat Flaherty out of Chelmsford, MA.

George made a motion to close the meeting at 9:20pm. Joe 2nd the motion. – Motion passed unanimously.

Respectfully submitted,

Cheryl A. Mann
Secretary
Dunstable Planning Board