



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
Wednesday, February 3, 2014

Approved: February 26, 2014

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

**Alexander Estates – Carolina Properties LLC. – Hall Street/Lake Street –
Definitive Subdivision and Special Permit Hearing continuation**

Chairman Goldthwaite announced that the office received a fax earlier in the evening from Attorney Deschenes saying that his client was requesting a continuance of their public hearing for Alexander Estates. The Planning Board's next meeting (2/17) falls on a holiday; therefore, the Board decided that they would meet the following day. Joe made a motion to continue the hearing until Tuesday, February 18th at 7:40pm. Brett 2nd the motion. – Motion passed unanimously. The date and time was announced at the meeting for those in attendance.

Building Permit – 264 Pond Street – Michael Godin

Mr. Godin presented a building permit for 264 Pond Street on behalf of his client. An ANR to divide the property into two house lots had been signed in 2001. George made a motion to sign the building permit for 264 Pond Street. Joe 2nd the motion. – Motion passed unanimously.

ANR – Lot 3 Hollis Street – George Tully

Ken Tully and Jeff Hannaford were in attendance for applicant George Tully. Jeff told members that Mr. Tully was creating a 2 acre parcel for one of his grandchildren. Jeff Rider previously reviewed the plan and had the following comments: 1) The plan lists two references for the ownership of the parcel; only one deed is listed on the application. 2) Based on the deed references, it appears that the property is owned by three entities, Tully Family Properties, LLC, The George E. Tully, Sr. Revocable Trust of 2007 and The June L. Tully Revocable Trust of 2007. Only two are listed as owners of record on the plan and none are listed on the application. 3) The plan shows the complete perimeter of Lot 3 but only a partial perimeter of the remaining land. Section II.B.(d) of the Rules and Regulations Governing the Subdivision of Land in Dunstable, Massachusetts states that the plan shall show "a plat of the entire parcel of land from which the lots are being made". Comment #3 was addressed tonight when Jeff Hannaford handed in a letter requesting a waiver to Section II.B.(d). Town Counsel



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Rich Larkin who was in attendance was asked to explain comments 1 & 2. Rich said that there isn't an issue with the signature of George Tully on the application since George is a trustee of both his and June's trusts. The Board asked who should sign for the Tully Family Properties, LLC. Rich said that since Ken Tully is a "tenant in common" for the LLC, he could sign the application. Once Ken signed the Form A, Joe made a motion to approve the waiver for Section II.B.(d). George 2nd the motion. – Motion passed unanimously. Brett then made a motion to sign off on the ANR plan. Joe 2nd the motion. – Motion passed unanimously.

Skytop Lane – Road Acceptances

The Board of Road Commissioners asked the Planning Board to look into why Skytop Lane was never accepted by the Town. The Board asked Attorney Larkin about the procedure and if he knew why this wasn't done. Rich explained the road layout procedure and how roads are accepted at Town Meetings, however, said that he will need to look further into why Skytop Lane wasn't brought to Town Meeting.

Meeting Minutes of January 22, 2014

Joe made a motion to approve, as written, the minutes of the January 22nd meeting. Joan 2nd the motion. – Motion passed unanimously.

Review and/or Sign Bills

Two Cuoco & Cormier invoices for the Alexander Estates 53G account and the 1054 Main Street 53G account were signed as well as an invoice for Chelmsford Lock and Key.

Review and/or Sign Payroll

One payroll slip was signed.

Kinder/Morgan Energy Partners Tennessee Gas Pipeline Company Letter

The Secretary reported that she received information on where in Dunstable the Tennessee Gas Pipeline proposes to go through town. A representative from Kinder/Morgan stopped by the office last week to discuss the project. Although in its preliminary stages and not yet approved by the Federal Government, the Secretary told the representative that the Town of Dunstable would like to be kept informed of all progress.



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Additional Topics Discussed Not Noted on the Agenda

Community Housing General Bylaw (Affordable Housing) – Rich Larkin

Questions have come up recently regarding lot approvals and whether the Planning Board should be enforcing the Community Housing General Bylaw which says that for every six housing units, one unit is suppose to be an affordable unit. Rich explained that he isn't aware of any town that has this type of General Bylaw and he feels that it may not be enforceable in a court of law. Rich went on to say that if this were a Zoning Bylaw as a condition of a special permit (i.e. open space development), it would hold up in court since an applicant could either chose to do a traditional subdivision or apply for a special permit. Rich also said that the Board of Selectmen are the overseers of this General Bylaw and it comes up when an Occupancy Permit is applied for.

Special Permit Hearing Continuation - 1054 Main Street – Kenneth Tully

Mr. Tully e-mailed the office and requested that his Special Permit hearing be continued until the February 18th meeting in order to give him time to amend his plan. Brett made a motion to accept the request. George 2nd the motion. – Motion passed unanimously.

George made a motion to close the meeting at 8:35pm. Joe 2nd the motion. – Motion passed unanimously.

Respectfully submitted,

Cheryl A. Mann
Secretary
Dunstable Planning Board