



OFFICE OF THE
PLANNING BOARD
TOWN HALL, 511 MAIN STREET
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Planning Board Minutes
Wednesday, March 26, 2014

Approved: April 10, 2014

Meeting was called to order by Chairman, Willard (John) Goldthwaite Jr. at 7:33pm.
Members present: Joe Vlcek, Brett Rock, Joan Simmons and George Basbanes
Town Engineer Jeff Rider and Town Counsel Rich Larkin
Meeting held: At the Dunstable Town Hall, 511 Main Street, lower level

Meeting Minutes of February 17, 2014

George made a motion to approve the minutes of the February 17th meeting. Joan 2nd the motion. – Motion passed unanimously.

1054 Main Street – Special Permit Hearing Continuation – Ken Tully

Prior to the meeting, pursuant to G.L. c.39 §23D, Planning Board member Brett Rock reviewed the materials from the December 2nd meeting so he could participate in the hearing. Ken Tully was in attendance for the continuation of his Special Permit hearing for 1054 Main Street. Mr. Tully brought a revised plan (revision date of March 14, 2014) to the meeting with the requested changes to the infiltration trench and stone size (from ¾" to 1 ½"-2"). Three waivers were submitted for review. The Secretary brought up that there wouldn't be enough money in the 53G account to pay for the last review of the plan/meeting attendance by Jeff Rider. Brett made a motion to require an additional \$200 from the applicant. Joe 2nd the motion. – Motion passed unanimously. Brett then made a motion to close the public hearing and approve the Special Permit to build upon a backland lot (Zoning Bylaw section 11.7) with the following waivers.

- 1) from Section 3.03 of the Site Plan Rules and Regulations that drainage calculations be shown on the plan.
- 2) from Section 3.03 of the Site Plan Rules and Regulations that site features such as stonewalls, ledge outcroppings, foundations, and all trees 12" or greater in diameter be shown on the plan.
- 3) from Section 3.03 of the Site Plan Rules and Regulations that a locus, landscaping, lighting and detail information be shown on the plan.

Joe 2nd the motion. The Chairman asked for a roll call vote:

Joan Simmons – yes to grant Special Permit with waivers, Joe Vlcek – yes to grant Special Permit with waivers, George Basbanes – yes to grant Special Permit with waivers, Brett Rock –yes to grant Special Permit with waivers, Willard J. Goldthwaite, Jr. – yes to grant Special Permit with waivers. Motion passed unanimously.



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Definitive Subdivision/Special Permit Hearing Continuation - Alexander Estates - Carolina Properties LLC – Hall Street/Lake Street

In attendance: applicant Gerry Welch, Attorney Kevin Eriksen and George Dimakarakos and Bill Hall from Stamski and McNary.

A plan dated March 17th was submitted for review implementing suggestions made at the last meeting by the Road Commissioners, Fire Chief and Planning Board. The new plan moves the driveway on lot #11 and eliminates the center island, catch basins, sidewalks and curbing. The plan shows roadside swales and an infiltration basin near the beginning of Alexander Way. The size of the basin is shown as 110' long, 20' wide at the bottom and 3 ½' deep. According to Mr. Dimakarakos, the state requires that the water in the basin drain within 3 days. The roadside swales will be maintained by the homeowners with a restriction put on the deeds to their properties. The basin may be maintained by the town. After review of the plan, Jeff Rider commented that the basin should be narrowed.

Bill Moeller had a concern with the infiltration basin being an attractive nuisance. He suggested that the Board might consider requiring a fence around the perimeter of the basin. The Board discussed that other basins and water bodies in town do not have fences. After conferring with Town Counsel and Town Engineer, the Board decided not to require a fence.

Amy Regan expressed her frustration with being forced to live in a cluster development with a ditch in her backyard. She said that under the Open Space Development section, the Board can approve up to the number of lots that would be allowed in a conventional subdivision but they don't have to approve all of the lots. Jim Regan asked how much the developer was saving by the Board waving requirements of the Zoning Bylaw/Rules and Regulations, (i.e. curbs, sidewalks, road width, etc.). He suggested that the town get something in return, i.e. eliminate a lot or place money into an account to be used for sidewalks in other areas of town. George explained that if a developer produces an alternative plan that the Planning Board and Town Engineer are happy with, whether or not it saves the developer money, isn't of concern to the Board. Members are charged with doing what's best for the entire town. Brett said that from what he understood, the Board can't ask developers for things/money in exchange for granting waivers.

Joan asked if the infiltration basin could be put underground to eliminate one of the Regan's complaints. George Dimakarakos said they could do a subsurface system with pipes and crushed stone. Jeff Rider explained to the Board that with an exposed system mowing would be the only maintenance unless the system failed, in which case you would be able to tell right away. With an underground system, a truck would need



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to remove the materials and if the system failed, you wouldn't know until it backed up, which could be costly. There was discussion about the system becoming the responsibility of the homeowner's in which case an "Operation and Maintenance Plan" would be needed as well as a report submitted yearly to the town to assure compliance. If the homeowners do not comply with the agreement the town could put a lien on their properties.

It was asked what the plans are for the lot on Hall Street since it is not shown as part of the open space. Mr. Dimakarakos said that it's a Board of Selectmen (BOS) issue. The original plan showed the lot with two affordable housing units on it. After discussions with the BOS there seems to be some uncertainty as to what they want to do with the lot.

Amy Regan asked the Board to consider addressing the comment on how members feel about approving an Open Space concept project that a long term resident opposes. She would rather see a 2 acre conventional subdivision built on the property. Joe pointed out that even though the house lots sizes will be smaller than the required 2 acre, because of the arrangement of the open space, combined with location of the existing houses being close to Hall Street, the development will not appear overcrowded. Mr. Dimakarakos spoke up saying that the original 12 lot subdivision didn't include a buffer for the Regan's which means a house could be closer with fewer trees separating the properties. There also would be sidewalks, curbing, catch basins and a wider street which the Board of Road Commissioners do not want and there would be no open space given to the town. He went on to say that this is not a starting point in the process. Tonight's plan is a result of many meetings. Joan said that she would like to see more of a buffer between the infiltration basin and the Regan's. Jeff Rider said that he has already asked for a narrower basin which would address that comment.

Joe asked if it would be cost effective to remove lot #1 and go with a ten lot open space subdivision. George said that both the town and applicant have put a lot of time and money into this process to start over.

Because the applicant just received Jeff Rider's latest comments, they asked for a continuance to make the necessary changes to the plan. The Board granted the extension until the next meeting in which there will be a full Board which is Thursday, April 10th at 7:30pm. The date and time was announced at the meeting.

The Secretary then mentioned that the 53G account has under \$200 remaining and



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would not cover Jeff Rider's cost for the meeting and further project review. Joe made a motion to have the applicant deposit an additional \$5,000 into the account. Brett 2nd the motion. – Motion passed unanimously.

River's Edge Estates – Alexander Wolfram

Mr. Wolfram was in attendance with his engineer from Cuoco and Cormier and his Counsel Kevin Eriksen. Mr. Eriksen reminded the Board that Mr. Wolfram has a 36 unit conventional subdivision already approved. He came in before the first of the year with a 36 unit open space subdivision but tonight he wanted to get the Board's opinion on a redesign with a significant reduction of units. Mr. Wolfram has already met with the Fire Department and spoke to the Board of Road Commissioners. The new design shows 24 lots with one 18 lot cul-de-sac and one 6 lot cul-de-sac. The smallest lot will be $\frac{3}{4}$ of an acre with the cul-de-sac length of 1,350'. There will be an increase in open space. A cistern will be installed for fire protection. Mr. Wolfram is currently in negotiations with Fish and Wildlife for the open space. Alan wanted everyone aware of the requirement in Section 6.6 of the Zoning Bylaw stating "*Provision shall be made so that such open land shall be conveyed to and owned by:...*" Alan suggested that the Planning Board work with the state to ensure that happens. There was discussion about the use of ATV's on the open space land with it mentioned that "no ATVs on open space property" could be a stipulation put on individual deeds.

George asked if any of the units would be affordable housing? Mr. Eriksen said that with this reduction in numbers, they are not considering any affordable units.

George also mentioned that he'd like to see an emergency egress. Discussion resulted in the possibility of a 15' wide gravel base road connecting to the rail trail.

Mr. Eriksen said that they are looking to make this a Low Impact Development meaning no curbs, sidewalks or catch basins and less road.

General consensus from the Board was that the members liked the new concept.

Review and/or Sign Bills and Payroll

One Cuoco & Cormier invoice Alexander Estates and one payroll slip were signed.

Additional Topics Discussed Not Noted on the Agenda

Motion made to close the meeting at 9:45pm. Joan 2nd the motion. – Motion passed unanimously.

Respectfully submitted,

Cheryl A. Mann, Secretary-Dunstable Planning Board