



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, June 1, 2015

Approved: June 15, 2015

Meeting was called to order by Chair, Joan Simmons at 7:30pm.
Members present: George Basbanes, Joshua Kelly and Joe VLcek
Member absent: Brett Rock
Meeting held: At the Dunstable Town Hall, 511 Main Street, lower level

Reorganization of the Planning Board

First order of business was the reorganization of Planning Board members for the next year. George made a motion to nominate Joe VLcek as Chairman. Joan 2nd the motion. – Motion passed unanimously. Joe made a motion to nominate George Basbanes as Vice Chairman. Josh 2nd the motion. – Motion passed unanimously. Joe made a motion to nominate Brett Rock as Clerk/Secretary. George 2nd the motion. – Motion passed unanimously. Joe took over the meeting as Chairman.

Public Hearing – Rescission of a Definitive Subdivision Plan 2007 – River’s Edge Estates - Nashua River Land Court – Shoreline Street

Joe opened the public hearing at 7:04pm by reading the hearing notice. In attendance were Attorney Melissa Robbins and Engineer Ting Chang. Attorney Robbins explained that there are currently two approved definitive subdivision plans for River’s Edge Estates. The current owner will be building the 2014 approved plan. In order to clear the title of the earlier plan, action is required of the Planning Board by rescinding the older 2007 plan and covenant. Since the Division of Fish and Game now owns a portion of the land within the 2007 subdivision, an acknowledgement and assent of the Department of Fish and Game was required to proceed with the rescission. This letter, dated May 29, 2015 was received by the Planning Board. George made a motion to rescind the approved 2007 River’s Edge Estates subdivision plan and covenant under Nashua River Land Corporation (NRLC) of Londonderry, NH, Registry of Deeds Plan Book 225, Page 89 – Form F Covenant under Book 21660, Page 75. Joan 2nd the motion. – Motion passed unanimously. George Basbanes – yes to rescind. Joan Simmons – yes to rescind. Joshua Kelly – yes to rescind and Joe VLcek – yes to rescind.

Certificate of Approval – River’s Edge Estates – Loftis – Chapman Street

As the 2014 subdivision is still in the permitting process and not ready for construction, Attorney Robbins requested a two year extension of the date that the road and associated utilities are to be completed. Currently the expiration date is November 3,



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2016. The Secretary had contacted Attorney Larkin earlier and he supports the extension. George made a motion to extend the date from November 3, 2016 to November 3, 2018. Josh 2nd the motion. – Motion passed unanimously.

Approval Not Required (ANR) – River’s Edge Estates – Loftis - Chapman Street

Cuoco & Cormier’s engineer Ting Chang told members that soil testing on the property showed pockets of ledge which would affect the septic and wells for lots 1 through 5, therefore, her client has asked for lot line changes on those lots. There was question on whether the applicant should file for an amendment to the subdivision. Attorney Robbins said that the proposed ANR lot line changes do not affect the subdivision approval of 2014. The Form A states, “*The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the Dunstable Zoning Bylaw for erection of a building on such lot; and every lot shown on the plan has such frontage on: (b) a way shown on a plan theretofore and endorsed in accordance with the subdivision control law, namely River’s Edge Estates, River Street, OSD Definitive Subdivision Dunstable Map 2 Blocks 6&9 Pepperell Map 16 Lot 8 River Street...*”

George made a motion to endorse the “Approval not required plan – River’s Edge Estates – Chapman Street – Dunstable, MA by Cuoco & Cormier Engineering Associates, Inc. – for The Loftis Homes LLC – dated May 5, 2015”. Josh 2nd the motion. – Motion passed unanimously.

Special Permit Hearing and Site Plan Review – Tyngsborough Solar LLC – Solar Project –Blodgett St

Joe opened the hearing at 7:50pm. The applicant was told that a Planning Board member was absent and asked if they wanted to continue with just four members. They said that they preferred to present the permit in front of a full board of five. Jeff Rider had also inadvertently forgotten to forward his latest comments to the Planning Board and applicant. All agreed that the meeting would need to be continued which would allow member Brett Rock to be present (and review all materials for the Tyngsborough Solar LLC Solar Project on Blodgett Street – including the June 1, 2015 minutes – evoke “Mullin Rule”) to vote on the Special Permit. It was decided that the applicant would review the plan with the Board tonight so changes could be made in time for the next hearing date when Brett was in attendance. Emma Kosciak from Citizens Energy, Briony Angus and Brian Huntley from Tighe & Bond, and Town Engineer Jeff Rider attended the hearing.

Ms. Kosciak started off by explaining that her company is proposing to install a ground



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mounted solar PV facility at the Charles-Georges landfill in Tyngsborough with a portion of the project located in Dunstable. They will be entering into a 20 year land lease agreement with Dunstable Road Land Properties LLC who will retain ownership of the property. DEP and EPA are involved and are requiring the applicant to post a bond for equipment removal. Ms. Kosciak said that the site has outstanding back taxes in both towns. The taxes will be paid off before beginning construction the end of August. Ms. Angus and Mr. Huntley were involved in site design and stormwater analysis and presented the technical part of the project stating that the project meets all but the acreage requirement of the Site Plan regulations and Zoning Bylaw. The access roads will be upgraded by bringing in gravel. The installation of the system will not impact the stormwater flows. No development will be on the parcel. Gravel and construction equipment will be brought in on trucks. The project should be completed in four (4) months. They are required to have a 3rd party engineer on the site during construction. Out of the approximately 11,000 solar modules, 3,600 will be in Dunstable. Panels range from 2 feet to 7 feet tall. Construction will not be phased. Abutters were notified of the hearing. No cutting or installation of vegetation is proposed. Joe asked if there were any comments from town departments and/or abutters. The Secretary said none from abutters, the Water Department had "no comment" and the Fire Department has asked for training. One abutter in attendance said that she thought the project was a great idea.

Jim Regan stated his concern about the condition of the road with trucks coming and going for four months. Tighe & Bond said that there will be 1-2 trucks a day with up to 8 a day when the concrete is poured. They feel that the trucks shouldn't damage the road further but asked the Board if they have a preferred route to the site. The Board asked that the Board of Selectmen and Board of Road Commissioners attend the next meeting to discuss this further.

Jim also questioned the setbacks of the project stating that they include property in the Town of Tyngsborough. The Board asked the Secretary to contact Attorney Larkin to get his opinion.

The applicant requested a continuance of the hearing due to additional information that needed to be addressed per Town Engineer Jeff Rider's recent comments, additional notification of abutters and the attendance of member Brett Rock. George made a motion to continue the hearing to Monday, June 15th at 7:45pm. Josh 2nd the motion. – Motion passed unanimously. The Secretary will have draft minutes available for anyone to review



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Special Permit Hearing continuation –368 Pond Street –Backland Lot–Keeney

Joe reopened the hearing at 8:52pm. Jeff Hannaford (Norse Design) and Clinton Keeney (applicant) attended the hearing. Jeff gave some background on the 2003 approval which subdivided the property, and reminded members that Mr. Keeney had hired an engineering firm prior to contracting Jeff to redesign the project. Due to difficulties with elevation of the parcel an alternate septic system is proposed, 3 to 1 side slopes, and an infiltration stone trench along the side of the driveway for drainage into a culvert and riprap. Minor fill may be needed.

Joe asked for comments from other town departments and/or abutters. There were none.

Mr. Hannaford asked the Board if they would conditionally approve the Special Permit dependent upon Jeff Rider's final review. Mr. Rider told the Board that although this is the first time that he has seen this plan, he believes his concerns have been addressed. The Board told Mr. Hannaford that they prefer to continue the hearing to give Mr. Rider time to go through the new materials. The Board asked Jeff Rider to provide them with comments for the abutter regarding the run off from the property once he has finished his review. Mr. Hannaford explained that Mr. Keeney was going before the Board of Health the following night and asked if he would be allowed to drill a well before Special Permit approval. The Board said that he would be doing so at his own risk. Mr. Hannaford then asked for a continuance of the Special Permit hearing. George made a motion that they continue the hearing until Monday, June 15th at 7:35pm. Josh 2nd the motion. – Motion passed unanimously.

Meeting Minutes of May 18, 2015

George made a motion to approve, as amended, the minutes of the May 18th meeting. Josh 2nd the motion. – Motion passed unanimously.

Review/Sign Bills and Payroll

Invoices and payroll slips were signed.

Additional Topics Discussed Not Noted on the Agenda

Alexander Estates

The Board asked Jeff Rider to explain what happened with the issue of runoff with the Alexander Estates subdivision. Jeff said that the design Carolina Properties submitted met the requirements that no additional runoff from the site would drain onto Lake



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Street however; Jeff requested a pipe be installed to the detention pond as a precaution. According to Jeff, the pipe doesn't need to be there as the system will work well without it. The Board is waiting for Attorney Larkin to inform them of the procedure for amending the plan to eliminate the pipe.

George made a motion to close the meeting at 9:37pm. Josh 2nd the motion. – Motion passed unanimously.

Respectfully submitted,

Cheryl A. Mann
Secretary, Dunstable Planning Board