



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 30, 2015

Approved: July 27, 2015

Meeting was called to order by Chair, Joe Vlcek at 7:31pm.
Members present: George Basbanes, Joshua Kelly, Brett Rock and Joan Simmons
Meeting held: At the Dunstable Town Hall, 511 Main Street, lower level

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

In attendance: Emma Kosciak from Citizens Energy, Town Engineer Jeff Rider and Town Counsel Rich Larkin. The applicant revised the "Joint Special Permit Application/Site Plan Review" and associated plan for the project per comments made by the Town Engineer and Planning Board. Items needing additional discussion:

- a) Applicant requests that the Financial Assurance Mechanism provided to MassDEP as part of the Post Closure User Permit be accepted in lieu of the surety required in Section 25.15 of the Zoning Bylaw. *Jeff Rider and Attorney Larkin both agreed that a surety would be redundant if the mechanism provided to DEP is also appropriate for the Town of Dunstable. Ms. Kosciak agreed to forward to Town Counsel for review a copy of a surety that was used on a previous project.*

- b) Joan asked to revisit the 50' set back requirement, expressing her frustration that the applicant provided no plan showing where the solar panels fell in relation to the setback on the easterly border of the town as required by the Dunstable Site Plan Rules and Regulations. Jeff Rider read the following from the application: *"The limits of the project are shown on Sheets 7 through 11 in Appendix B. The solar array area will be set back at least 50 feet from the front property line and the side property line to the south to meet the setback requirements outlined in Section 2.12.50 Table of Dimensions Requirements in the Zoning By-Law. To the east, a small portion of the parcel crosses into Tyngsborough. In addition, the abutting parcel to the east is under common ownership to the main Dunstable project site. In this area, the project crosses the common interior parcel line, and the design maintains a 50' setback from the most eastern property line (in Tyngsborough). Based on discussions with the Dunstable Planning Board at the pre-application meeting, the setback requirement did not need to be met for internal property lines between abutting*



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parcels under common ownership. Members felt that this matter had been resolved at a previous meeting. Joan agreed that her issue is with procedure.

- c) Road Condition – Members are concerned about cement and construction trucks further damaging Blodgett Street. It was discussed that the Board would like the applicant to document (photograph) the condition of Blodgett Street before construction and take follow up pictures after the project has been completed. If the road is further degraded, the applicant repairs the road.

After the discussion, George made a motion to close the hearing at 8:41pm. Josh 2nd the motion. – Motion passed unanimously. Joan Simmons–yes to close the hearing, Joshua Kelly–yes to close the hearing, Brett Rock–yes to close the hearing, George Basbanes–yes to close the hearing, Joseph VLcek–yes to close the hearing

Waivers:

Josh made the following motion: "To approve the requested waivers described in a letter from Brian Huntley dated June 23, 2015 which offer relief from

Section 3.04 [Plans] requiring Site Layout;

Section 3.04 [Plans] requiring a Landscape Plan, additionally Article IV Design Standards (Section 4.03) requiring landscaping and screening of parking areas, loading areas and refuse disposal facilities

Section 3.04 [Plans] and 4.04 (Design Standards-Lighting) requiring that a lighting plan be submitted."

George 2nd the motion. – Motion passed. Joan Simmons–yes to approve waivers, Joshua Kelly–yes to approve waivers, Brett Rock–no to approve waivers, George Basbanes–yes to approve waivers, Joseph VLcek–yes to approve waivers

Special Permit and Site Plan Approval

George made a motion that the Board approve the application of Tyngsborough Solar, LLC, for a Special Permit for the installation of a large-scale ground mounted solar photovoltaic facility at property on Blodgett Street, being part of a larger project located on adjoining land in Tyngsborough, formerly the site of the Charles George Landfill, including in the vote the approval of the Site Plan for the project; approved waivers; Section 3.04 Site Layout, Section 3.04 Landscape Plan, Section 3.04 and 4.04 requiring a Lighting Plan, and provided further that the grant of the Special Permit shall include the right of the Board to require the Financial Assurance under Section 25.15, subject to the Board's right to waive the Financial Assurance upon advice of Town Counsel that Financial Assurance be given to MassDEP are sufficient and provided the following conditions are imposed: training of Dunstable Firefighters, hours of construction are



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from 7:00am-5:00pm and that the construction process shall use Blodgett Street to the entrance as shown on the submitted plan in Dunstable. The applicant will repair any damage to the portion of Blodgett Street used during the construction process of the project and bring Blodgett Street to at least its condition immediately prior to the commencement of work on the project to be completed within 60 days after the completion of the project. If the applicant fails to repair any damages to the road and if litigation is necessary, the applicant will be responsible for the reasonable attorney's fees and costs (including expert witness and engineering costs). The applicant and the Dunstable Highway Department shall agree on the condition of Blodgett Street prior to the commencement of construction.

Josh 2nd the motion. – Motion passed. Joan Simmons–yes to approve Special Permit and Site Plan Review with conditions and waivers listed above, Joshua Kelly–yes to approve Special Permit and Site Plan Review with conditions and waivers listed above, Brett Rock–no, not approve Special Permit and Site Plan Review with conditions and waivers listed above, George Basbanes–yes to approve Special Permit and Site Plan Review with conditions and waivers listed above, Joseph VLcek–yes to approve Special Permit and Site Plan Review with conditions and waivers listed above.

ANR – 275 Pond Street – Sue Landsman

Ms. Landsman presented an Approval Not Required Plan to the Board for signature. She plans on taking 3 acres from a 20.12 acre parcel. Town Engineer Jeff Rider reviewed the plan and had two comments:

- a) The Rules and Regulations Governing the Subdivision of Land in Dunstable, MA. Section II.B.a requires that all wetlands be located on the plan. ***The plan note #5 stated that "No Bordering Vegetation Wetlands were observed on or within 100 feet of Lot 3".***
- b) The Rules and Regulations Section II.B.d. requests "a plat of the entire parcel of land from which the lots are being made." The entire parcel boundary is shown on the Parcel Map and Control System Ties portion of the Plan. However, inverse calculations, Metes and Bounds for the remaining land (17.12 acres) of the original parcel should be submitted.

The Board felt that the wetlands should be flagged by a wetland delineator as required in our bylaw or a note from the wetland specialist indicating there aren't any. They also felt that the entire plot of land should be surveyed for accuracy. George made a motion to deny the two requested waivers. Brett 2nd the motion. – Motion passed unanimously.



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After the discussion, the applicant requested to withdraw her application without prejudice. George made a motion to accept the request to withdraw the application and stated that when Ms. Landsman returns with a revised plan, that no additional fees be charged for the resubmittal of the ANR.

Alexander Way–Carolina Properties–Lot Release/Building Permit/Infiltration

Attorney Melissa Robbins and Gerry Welch were in attendance. The applicant asked to address the Board to discuss the following items: request to release Lot 1, building permit signature for Lot 1 (2 Alexander Way), and installation of the connection for infiltration trench to the drain line on Lake Street.

Infiltration Trench

George made a motion that the Planning Board not require the installation of the connection for the infiltration trench to the drain line in Lake Street feature of the drainage system, and further that the Planning Board not enforce it for the reasons that an abutting owner has expressed concern that it would send drainage into his property unlawfully; and for reasons, the board notes that it has been advised by the Town Engineer that the particular features of the drainage is not essential to the proper drainage of Alexander Way. Further, that the Board elect not to bring this matter to a re-hearing with full statutory notice and publication for reason that the board considers the matter to be *deminimis*, however nothing in this vote shall be deemed to state or imply that the drainage from Alexander Way could not have been lawfully handled through the aforesaid part of the drainage system in the opinion of the Planning Board. Brett 2nd the motion. Motion passed unanimously.

Release of Lot 1 – Alexander Way

Attorney Robbins explained that due to an agreement between the applicant and the Planning Board, six (2,3,4,7,8,9) of the eleven Alexander Way lots were released in February of 2015. Tonight, Mr. Welch is requesting an exchange of lots. He is proposing to remove lot 4 from release and exchange it with lot 1. The released lots will now be 1,2,3,7,8,9. Mr. Welch has a buyer for lot 1. Brett made a motion to replace lot 4 with lot 1 as requested by the applicant. Josh 2nd the motion. – Motion passed unanimously. Attorney Robbins and Attorney Larkin will work on a document to file at the Registry of Deeds.

Attorney Robbins told the Board that the deed for the open space to the Town has been completed and they are ready to convey the property to the Town once Attorney Larkin has reviewed the document.



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50% of the emergency access road has been completed.

The Building Permit for Lot 1 Alexander Way was presented. Brett made a motion to sign the permit. George 2nd the motion. – Motion passed unanimously.

Meeting Minutes of June 15, 2015

Joan made a motion to accept the meeting minutes of the June 15th meeting, as submitted. George 2nd the motion. – Motion passed unanimously.

Review/Sign Bills and Payroll

One invoice for a 53G account was signed.

Additional Topics Discussed Not Noted on the Agenda

Support for Miller Conservation Restriction

The Secretary told members that the Conservation Commission is looking for a letter of support to accompany their grant application for the purchase of a Conservation Restriction on the Miller Main Street property. George moved that the Planning Board support the grant. Joan 2nd the motion. – Motion passed unanimously.

George made a motion to close the meeting at 10pm. Brett 2nd the motion. – Motion passed unanimously.

The next meeting of the Planning Board is scheduled for Monday, July 20, 2015 – downstairs at the Dunstable Town Hall.

Respectfully submitted,

Cheryl A. Mann
Secretary
Dunstable Planning Board