



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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Planning Board Minutes
Monday, January 4, 2016

Approved: February 1, 2016

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

Special Permit Hearing and ANR Approval – Thorndike Street – Russell

In attendance: Stan Dillis from Ducharme & Dillis, Mr. and Mrs. Russell, Town Engineer Jeff Rider and Town Counsel Rich Larkin. Chairman Joe VLcek opened the hearing at 7:31pm. The Secretary read the legal notice published in the newspaper which explained that the hearing was being held in conjunction with a request for endorsement of an Approval Not Required (ANR) plan. Mr. Dillis explained that there are currently two lots; lot 4 with 10.58 acres and lot 5 with 15.26 acres (with an existing dwelling) totaling 25.84 acres. The two lots are being re-configured into two hammerhead lots (lot 4A with 5.33 acres, lot 5A with 5.73 acres) and Parcel A (with 14.74 acres). The current shared driveway will continue as access onto both lots. Parcel A is not buildable due to wetlands and a Conservation Restriction (CR) placed on the parcel. A total of 3.12 acres, part of lots 4A and 5A, which encompass the "paper" frontages for both lots will also remain under Conservation Restriction which makes up the 17.86 acres. The Board asked Alan Chaney from the Conservation Commission for an explanation of the CR. Alan said that a Conservation Restriction states prohibited acts and permitted uses of land under the CR. He said that the restriction on the Russell property is currently a "common law" restriction which is typically good for thirty (30) years. Mr. Chaney went on to say that the Russell's CR stated that it is supposed to be in perpetuity. Alan said that the agreement has, thus far, not been fulfilled. He questioned whether the new configuration of the lots constitutes a "prohibited act" under the CR (particularly #4 of the restriction). Attorney Larkin said that although the applicant is using 3.12 acres as a paper access for means of satisfying the 40 foot frontage requirement, he doesn't see anything in the CR that would prohibit that particular use. The access will never be used by lots 4A or 5A and the 3.12 acres will continue to be in the CR although possibly owned by different owners. The Planning Board told Mr. & Mrs. Russell that if approved, a condition of the permit will be to go through the process of making the temporary CR a permanent one as was intended. George made a motion to close the hearing for the Special Permit for Rosemarie Russell on Thorndike Street. Josh 2nd the motion. – Motion passed unanimously. George made a motion to approve the Special Permit for Rosemarie Russell to build upon one backland lot (4A on the Plan of Land in Massachusetts, dated September 20, 2015, for Rosemarie and James Russell, 112 Thorndike Street) and to allow for an existing home



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on a backland lot (5A) on the condition that a permanent Conservation Restriction be placed on the 17.86 acres which now include newly formed Parcel A and the two 50 foot "paper" frontages part of 4A & 5A. Motion 2nd by Joshua Kelly. – Motion approved.
Joan Simmons – approved Joshua Kelly – approved Brett Rock - approved
George Basbanes – approved Joseph VLcek - approved

ANR – Thorndike Street – Rosemarie Russell

Mr. Dillis submitted the ANR to divide the lots as described in the Special Permit hearing. Josh made a motion to sign the ANR plan. George 2nd the motion. – Motion approved unanimously. Plan approved: Plan of Land Dunstable, MA Dated September 20, 2015 for Rosemarie and James Russell, Job No. 794, Dwg. No. 794-ANR.

Alexander Way – Gerry Welch

Mr. Welch attended the meeting to discuss a reduction in his road bond, bonding the access road and release of the five remaining lots. He explained to members that he is looking to have a reduction of his road bond for Alexander Way and presented an estimate from Onyx Corporation showing that \$19,157.75 of work has yet to be completed. The Board asked the Town Engineer to respond to the estimate. Jeff Rider told the Board that he needed to review the numbers but there are items that aren't listed in the estimate including a buried headwall that needs to be regraded and seeded, a culvert that needs to be cleaned out, sediment behind a silt fence, a fore bay that needs to be cleaned out and seeded and infiltration on lots 3 & 4 reconstructed. Jeff mentioned that he doesn't believe Mr. Welch has sought EPA approval for the project. Jeff also brought up that there are issues with the basecoat of road pavement which was brought to the attention of Mr. Welch when it was placed. Mr. Welch said that his engineer is working on revised cost estimates. Brett suggested waiting until they are reviewed by the Town Engineer before discussing a reduction of the bond.

Mr. Welch told the Board that his attorney is working on a document for bonding the unsold lots to insure that erosion control is maintained until houses are built and areas are stabilized.

Access Road: Mr. Welch explained that the access road is near completion. Gravel has been laid all the way to the railroad bed. His engineer will provide numbers for its completion.

The Board asked the Secretary to insure that the Building Inspector puts a clause on the Building Permit form about roof drains and Planning Board endorsement on Occupancy Permits.



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Joan brought up that Mr. Welch received a gravel permit for the withdrawal of gravel for the roadway and thought Mr. Welch would be requesting additional gravel permits for the access road. Town Counsel Rich Larkin said that there is a provision in state subdivision control law about cuts in the road and that a builder can't build a road without cuts and fills, therefore it is an exempt operation. Mr. Welch said that his attorney, Douglas Deschenes, said that because the land for the emergency access will be town owned property, it was exempt from gravel permits.

Selectman Alterisio said that the Board of Selectmen's concern is from a public safety issue. Does something put the community at risk? He said that controls need to be put in place on our narrow roads because developers move on and the town has to live with the subdivision.

Mr. Welch was then asked why he did not plow the road during the last storm. He said that he thought the Town would plow once residents were on the road. He has since contracted with a plow company.

After the discussion, Joe suggested that the Board not release any of the remaining five lots until the access road has been completed or satisfactorily bonded. Members agreed. Mr. Welch will be put on the agenda for the February 1st meeting.

Building Permit – Lot 10 – 56 Alexander Way

The owner of Lot 10 Alexander Way came before the Board seeking a signature on his building permit. He expressed his frustration with Mr. Welch and the fact that Mr. Welch did not tell him back in May when he purchased the lot that there was a condition of the approval that prevents him from getting his building permit signed until the access road is either completed or bonded. Joe explained that both the Special Permit decision and the Definitive Subdivision approval are on-line and that due diligence should have been done by his attorney.

Master Plan Discussion – Board of Selectmen

Will be addressed at a future meeting.

Riverview Estates Update – Jeff Hannaford

Mr. Hannaford came before the Board regarding monuments on the right of way for

Riverview Estates. He explained that Planning Board regulations state that the bounds must be 4x4 granite or concrete. In lieu of granite or concrete, Mr. Hannaford



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requested the use of iron rods with caps since the ground is frozen and the common drive will not be a town accepted road. He went on to say that the iron bounds are easy to find with a metal detector. George made a motion that the four bounds at the entrance of the right of way be granite and the remaining bounds on the drive can be iron rods with caps. Josh 2nd the motion. Motion passed with Joan opposing (she would like to see all of the bounds remain granite or concrete).

Meeting Minutes – December 7, 2015

George made a motion to approve the meeting minutes, as submitted, from the December 7th meeting. Josh 2nd the motion. – Motion passed unanimously.

Review/Sign Bills and Payroll

Invoices for 53G accounts and the Secretary's payroll were submitted and signed.

Nextel Communications Letter Cancelling Bond for Cell Tower

Will be discussed at a future meeting.

2015 Annual Report Review

The Board reviewed and approved the draft 2015 Annual Report

Fiscal Year 2017 Budget Review

The Board reviewed and approved the draft Fiscal Year 2017 Budget

January 18th – Holiday

The Secretary reminded the Board that the January 18th meeting falls on a holiday. The next meeting of the Planning Board will be held on Monday, February 1, 2016.

Medical Marijuana Bylaw Discussion

The Board decided to table this discussion for a future meeting.

George made a motion to close the meeting at 10:16pm. Brett 2nd the motion. – Motion passed unanimously.

Respectfully submitted,

Cheryl A. Mann
Secretary
Dunstable Planning Board