



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, April 4, 2016**

Approved: May 2, 2016

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

**Meeting Minutes – March 7, 2016**

Joan made a motion to approve the meeting minutes, as submitted, from the March 7<sup>th</sup> meeting. Josh 2<sup>nd</sup> the motion. – Motion passed unanimously.

**Meeting Minutes – March 24, 2016**

Joan made a motion to approve the meeting minutes, with a minor correction, from the March 24<sup>th</sup> meeting. George 2<sup>nd</sup> the motion. – Motion passed unanimously.

**Review/Sign Bills and Payroll**

George made a motion to approve the 53G account invoices and the Secretary's payroll.  
Joan 2<sup>nd</sup> the motion. – Motion passed unanimously.

**Public Hearing – Proposed Zoning Bylaw - Registered Marijuana Dispensaries**

Joe opened the hearing at 7:40pm. The Secretary read the legal notice published on March 18<sup>th</sup> and March 25<sup>th</sup> in the local newspaper. Joe explained that Joan put together the proposed Registered Marijuana Dispensary Bylaw. The Board had held many meetings to review the bylaw. Once finalized, it was sent to Attorney Larkin for review and the final draft was then sent on February 25<sup>th</sup> to the Board of Selectmen for placement on the Annual Town Meeting warrant. Attorney Larkin added a few last minute edits which the Board went over:

At the end of 26.1., Purpose, "...adversely impact the character of the town **in general and adjoining properties in particular.**"

(1) An RMD shall not be located within a radius of five hundred (500) feet from a school, daycare center, preschool or afterschool facility, or any facility in which minors commonly congregate; or within two hundred (200) feet of a residence. Such distance shall be measured in a straight line from the nearest point of the **building or structure containing the** proposed RMD to the nearest point of **any building or structure serving** the facility or residence **in which persons ordinarily congregate.**"



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After the discussion, Joan made a motion to close the hearing. Josh 2<sup>nd</sup> the motion. – Motion passed unanimously. Joan then moved to approve the proposed changes Attorney Larkin suggested and make a recommendation of support for the **Registered Marijuana Dispensaries Bylaw** to the Board of Selectmen. Motion passed with Joan, Josh and Joe voting in support of the bylaw, Brett abstaining from the vote and George voting “no”.

**Special Permit Continuation–Bacon–461 Forest St Lot 4–backland lot-7:50pm**

Town Engineer Jeff Rider was in attendance. Neil Gorman from David E. Ross Associates represented the Bacon’s at the Special Permit hearing continuation for the backland lot on Forest Street. Since it’s been a month since the hearing was opened, Mr. Gorman went through his March 7<sup>th</sup> presentation. He explained that the property had been subdivided by an ANR into four lots in December of 2015. Three lots are traditional with lot 4 (461 Forest Street) requiring approval to build upon the backland lot. Mr. Gorman explained that the filing meets the requirements for a backland lot with 59.09 feet of frontage on Forest Street, minimum lot width of 56.32 feet, minimum lot size of 5.52 acres, minimum setback from the public way and lot lines and 5.02 acres of land area free of land unsuitable for development. The lot will share a driveway with lot 2, with lot 3 reserving the right to use the common drive to reach the back of their property. There will be an emergency turn off area for vehicles. Stormwater will stay on the site. The wetland that will be crossed for the common drive is a non-jurisdictional wetland meaning it’s an isolated pocket with less than a ½ foot of water. This has already been determined by the Conservation Commission. Mr. Gorman previously submitted a waiver list. Tonight, he presented a common driveway draft and a draft deed which Town Engineer Jeff Rider had reviewed. Mr. Gorman said that the filing meets the spirit of the Zoning Bylaw for backland lots. The Fire Chief brought up new driveway regulations and the Board agreed that this is something that the Road Commissioners and Building Inspector need to be aware of and may require a change in the Rules and Regulations. Joe asked if there were any comments submitted to the Board. The Secretary said no comments from the Water Department and only a reminder from the Conservation Commission about filing if any grading is done within 100 feet of the wetlands.

Brett made a motion to close the hearing at 7:58pm. George 2<sup>nd</sup> 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.



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George made a motion to approve the following waivers:

- a. Section 3.02 3.03 Drainage Calculations
- b. Section 3.03 3.04 Plans – showing all trees twelve (12”) or greater in diameter, showing all proposed landscaping features, screening and each planting area with size, type of tree, flower, ground cover, shrub and snow storage areas, and showing location size, height and orientation of all outdoor lighting.
- c. Section 3.04 Traffic Impact Study
- d. Article IV Design Standards

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

George made a motion to grant the special permit with approved waivers and the following conditions:

- 1) Driveway Agreement and Deed should be worded similarly to what was presented at the Planning Board meeting on April 4, 2016.
- 2) All construction shall be in conformance with state and local laws.

Josh 2<sup>nd</sup> the motion. – Motion passed unanimously.

Joan Simmons – yes to grant the Special Permit with waivers and conditions, Joshua Kelly – yes to grant the Special Permit with waivers and conditions, Brett Rock – yes to grant the Special Permit with waivers and conditions, George Basbanes – yes to grant the Special Permit with waivers and conditions, Joseph VLcek – yes to grant the Special Permit with waivers and conditions.

George then made a motion to approve the following “Findings of Fact”.

- A) The above mentioned lot met all the provisions listed on the Zoning Bylaw, Section 11.7 ***including minimum frontage, lot width, lot size, setbacks, and minimum land area free of land unsuitable for development.***
- B) The proposed construction or use is consistent with the general purposes of the Zoning Bylaw. ***This is a single family home that meets the requirements of Section 11.7 of a backland lot.***
- C) The proposed construction or use will not impair the integrity of the district and adjoining districts. ***This is a single family home in an area with other single family homes in the R-1 district.***
- D) The proposed construction or use will not be detrimental to the health and welfare of the occupants and users thereof, and citizens of the Town. ***The construction of the single family home as presented will not be***



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***detrimental to the health and welfare of the occupants or citizens of the Town.***

**E)** The proposed construction or use will not be detrimental to the value of nearby property. ***The single family home will not be detrimental to the value of nearby property and may increase the value.***

Josh 2<sup>nd</sup> the motion. – Motion passed unanimously. Joan Simmons – yes to the Findings of Fact, Joshua Kelly – yes to the Findings of Fact, Brett Rock – yes to the Findings of Fact, George Basbanes – yes to the Findings of Fact, Joseph VLcek – yes to the Findings of Fact

Final Approved Plan: Sewage Disposal System – designed for Robert Bacon and William Bacon – Forest Street – Lot 4 – dated December, 2015 with a final revision date of 4/4/16 by David E. Ross Associates, Inc. Job 30284, Plan L-12722

### **Fire Chief Brian Rich – Discussion on State Regulations**

Chief Rich asked to address the Board to inform them about new regulations on driveways which state that driveways are required to be 20 feet wide to allow emergency vehicles access to homes, facilities, buildings, etc. The Board told the Chief that they believe driveways come under the jurisdiction of the Board of Road Commissioners and the Building Inspector but are willing to change their Rules and Regulations to accommodate those new guidelines if necessary.

### **April 18<sup>th</sup> Meeting - Holiday**

The Secretary told members that next meeting falls on a holiday, April 18<sup>th</sup>. The Board decided that if there aren't any agenda items by April 13<sup>th</sup>, they would cancel the meeting. If a meeting must be held, it will be done on Tuesday, April 19<sup>th</sup>.

### **Clarification on Thorndike Street Special Permit and Conservation Restriction**

A resident asked for clarification on the Russell Special Permit with regard to the Conservation Restriction that is required to be completed as a condition of approval. They asked that if the ANR is never filed at the Registry of Deeds and the lots remained as they originally were, does the owner still need to file the Conservation Restriction with the state in order to have a building permit signed by the Planning Board. Members said, "Yes", they do as the temporary restriction states that it will be permanent.

### **Alexander Way Update**

No update. Work has not commenced on the road/access road.



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### **Chapman Street Update**

The Secretary told members that she, Town Engineer Pat Flaherty, Planning Board member Brett Rock, Highway Superintendent David Tully and Road Commissioners Mike Martin and Pete Gove met the developers (Amos and Mark White) on Chapman Street to go over a few items such as how far down the ledge on the road should be jackhammered, drainage, etc. The Fire Chief also met with the Whites to discuss the cistern.

### **Additional Topics Discussed Not Noted on the Agenda**

### **Main Street Project**

Joan told members that she attended the meeting on the Main Street repair project. She said a proposed layout is in the Town Administrator's office for anyone that would like to review the plans. Joan said that the road will be brought out towards the wetland area to avoid damage to the cemetery vault. The shoulder will be widened and there is talk of a sidewalk. Joan will continue to attend the meetings on behalf of the Board. The next meeting will be held on Thursday, April 14<sup>th</sup>.

### **Master Plan Meetings**

The Secretary received a notice that the Town Administrator is looking for a Planning Board member to be part of the Master Plan Committee. After discussion, it was decided that Joe will be part of the Committee with Joan as the alternate.

### **Resident Jim Regan**

Mr. Regan attended the Planning Board meeting to discuss Alexander Way with the Board. He told members that garbage from the project constantly blows downhill onto his property and would like the Board to work with the developer to complete the project in a timely manner. He remarked that he hopes the Planning Board reflects on decisions and mistakes made and does a better job in the future with the next subdivision.

Brett made a motion to close the meeting at 9:18pm. Josh 2<sup>nd</sup> the motion. – Motion passed unanimously.  
Respectfully submitted,

Cheryl A. Mann  
Secretary  
Dunstable Planning Board