



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, November 21, 2016

Approved: December 5, 2016

Meeting was called to order by Vice Chairman, Brett Rock at 7:32pm
Members present: Joan Simmons, Joe VLcek and Joshua Kelly
Member absent: George Basbanes
Meeting held: At the Dunstable Town Hall, 511 Main Street, lower level

ANR – 489 Forest Street – Christopher Bertrand

In attendance: Christopher Bertrand and Bob Guernsey. Mr. Bertrand explained that he is submitting a plan for approval which subdivides his 10.9 acre lot into both a traditional and a backland lot. The traditional lot is his residence. Wetlands encompass the entire 840 foot access to the back lot, therefore, he will be granting a "driveway and utility easement" over his property to lot 2. Jeff Rider reviewed the original plan offering seven comments for the Board's consideration. Mr. Bertrand's surveyor responded to Mr. Rider's comments late this afternoon however Jeff did not have time to review the revised plan. No one in attendance had any questions. Josh made a motion to approve the ANR submitted tonight contingent upon Jeff Rider's review and approval of the revised plan. The Administrative Assistant will hold the signed plans and release them only if Jeff approves the changes. If Mr. Rider does not approve the changes, the plans will not be released and Mr. Bertrand will need to submit an updated plan at the next meeting. Joe 2nd the motion. – Motion passed unanimously. Since the 21 day period that the Board has to act is tonight, Mr. Bertrand signed an extension in the event that Jeff requests changes to the plan. Contingent plan approved: Plan of Land – 489 Forest Street – Dunstable, MA - dated November 21, 2016, Bertrand Trust & Christopher Bertrand & Joyce Bertrand, by Snelling & Hamel Associates, Inc., 10 Lewis Street, P.O. Box 102, Lincoln, MA 01773 – John R. Hamel Professional Land Surveyor

ANR - Main Street – Dunstable Rural Land Trust (DRLT)

Jeff Hannaford was in attendance to present the ANR on behalf of the Dunstable Rural Land Trust. The property, owned by Marcus C. Hermansen, is being subdivided to add 2,920 square feet (Parcel 3B) to his existing lot (located in New Hampshire) to make it a conforming lot. The remaining 5.9852 acres (Parcel 3A) will be donated to the DRLT. Mr. Hermansen and DRLT member Alan Chaney signed the Form A. An extension had previously been requested and approved to extend the 21 day statutory period to take action on the ANR due to a quorum issue on November 7th. Jeff Rider went over the



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

plan, made comments, Mr. Hannaford submitted a revised plan and that was reviewed and approved by Mr. Rider. The DRLT requested a waiver of the Rules and Regulations Governing the Subdivision of Land in Dunstable requiring a 150ft. diameter building circle on Parcel 3A due to the intent of the plan which is to allow the existing dwelling to remain on its own parcel with the proper setbacks and, transfer parcel 3B to the DRLT (not develop it). Joe made a motion to approve the ANR for Main Street and the waiver requirement of a 150ft. diameter building circle. Josh 2nd the motion. – Motion passed unanimously. Plan approved: Plan of Land – Main Street – Dunstable, MA – prepared for Dunstable Rural Land Trust – by Norse Design Services, Inc. – 3 Pondview Place, Tyngsborough, MA 01879 – Michael D. Bovio Professional Land Surveyor – plan dated February 16, 2016 with a revision date of November 15, 2016.

Special Permit Hearing – Pond Street – Two Backland Lots –High Oaks Realty

Stan Dillis and Robert Kiley were in attendance. Brett opened the hearing at 8:03pm. The Administrative Assistant read the hearing notice published in the newspaper. Mr. Dillis explained that an ANR plan had previously been endorsed which created six lots, two of which are backland lots. Tonight's hearing is to approve building on the backland lots and allow a common driveway to service three lots. Runoff from the lots has been addressed by a low impact development swale. Mr. Dillis said that no gravel will be removed since they are proposing to add a few hundred yards of fill due to finding ledge approximately two feet under the ground. Road Commissioner Mike Martin asked Mr. Dillis to mark out where the driveway will be coming out onto Pond Street. The Water Department had "no comment". The Conservation Commission reminded the applicant that if work is proposed within the 100 foot buffer zone they must file with the Commission. Jeff Rider reviewed the package and made comments in a letter dated October 4th. A revised plan was submitted and Jeff made further comments on November 7th. Two comments made were to add a condition requiring that any proposed modifications to the common driveway must first be approved by the Planning Board. He also suggested that the Homeowner's document regarding the maintenance of the driveway and drainage system be changed to include a condition that the Town will be able to maintain the drainage system and post a lien on the lots if it is not adequately maintain by the Owners. Four waivers were requested by the applicant and discussed. No one in the audience had any comments. Joe made a motion to close the hearing at 8:24pm. Joan 2nd the motion. – Motion passed unanimously. Josh made a motion to approve (as suggested by Jeff Rider) the four waivers which are:

- 1) **Section 3.02 3.03 Drainage Calculations** – waiver requested from a full drainage report due to swales and culverts channeling stormwater runoff from the common driveway into a detention basin.
- 2) **Section 3.03 3.04 Landscaping Plan** – waiver requested from submitting a landscaping plan since the majority of the site will remain wooded and existing



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

vegetation along the common driveway is to remain.

- 3) **Section 3.03 3.04 – Lighting Plan** – waiver requested as this is not a commercial property. Only lights will be on houses or along common drive.
- 4) **Section 3.04 – Traffic Impact Study** – waiver requested as plan only services 3 house lots.

Joe 2nd the motion. – Motion passed unanimously. Joe then made a motion to approve the Special Permit with waivers, to build upon two backland lots with a common driveway servicing three lots on the condition that Town Counsel review and approve the Homeowners document regarding the maintenance of the driveway and drainage system, and that any proposed modification of the driveway must first be approved by the Board as described in Jeff Rider's letter of November 7, 2016. Josh 2nd the motion. – Motion passed unanimously. Joan Simmons – yes to approve, Joe VLcek – yes to approve, Josh Kelly – yes to approve, Brett Rock – yes to approve.

Plan approved: Special Permit Plan – Common Drive – Pond Street - Sheets 1 & 2 – owner NK Lahue Realty Trust – for High Oaks Realty Trust – by Ducharme & Dillis – Civil Design Group, Inc. – 1092 Main Street, P.O. Box 428 – Bolton, MA 01740 – (978) 779-6091 – dated September 2, 2016 with a revision date of October 27, 2016.

ANR – Lowell Street – Betsy Ann Japp

Brian Milisci from Whitman & Bingham Associates attended the meeting on behalf of Ms. Japp. Mr. Milisci explained that the ANR creates six lots on Lowell Street, five traditional and one backland. The backland lot will require a Special Permit hearing in order to build a house on the lot. Jeff Rider reviewed the original package, making three comments for the Board's consideration on November 7th. Mr. Milisci revised the plan and resubmitted it to Jeff with Mr. Rider making final comments on November 18th. The one point that was mentioned in both letters was that on Lot 1, approximately 45 ft. of the front of the circle is located in the front yard setback and the rear 55 ft. is located in the 100-year flood plain. Joan pointed out that lots 1, 3 and 5 had more than the required acreage to build a home and the property abuts Fish and Wildlife land. Mr. Milisci said that Anne Gagnon from Fish and Wildlife has been in touch with the owner of the property. Alan Chaney asked if the stream on plan is perennial. Mr. Milisci said that he believes it is. Alan went on to say that the perennial stream falls under the River's Act where the 1st 100 feet is prohibitive and the 2nd 100 feet is regulatory. He asked Mr. Milisci if the property was in Natural Heritage. Mr. Milisci said that he didn't believe so. Alan said that he may want to check his source again. Joan made a motion to approve the ANR. Joe 2nd the motion. – Motion passed unanimously.

Plan approved: Plan of Land in Dunstable, Mass. Owned by The N.G. Japp Trust No. 1, by Whitman & Bingham Associates, LLC, 510 Mechanic Street, Leominster, MA 01453, James E. Rheault Registered Land Surveyor – dated October 31, 2016 with a revision date of November 15, 2016



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

ANR – 1010-1024 Main Street – Patrick Melampy

Andrea Tavares from LandTech attended the meeting on behalf of Mr. Melampy who resides at 1024 Main Street. Mr. Melampy purchased 1010 Main Street and is asking for an interior lot line adjustment in order to add an additional 18,000 square feet of land to his property. The frontage of both lots will stay the same. Jeff Rider reviewed the plan and offered comments in a letter dated November 15th. LandTech revised the plan set, updated the Form A and sent the information back to Jeff who responded on November 21st saying that all items had been addressed with the exception of the revision date being added to the new plan. Ms. Tavares said that although Michael Ross was the Land Surveyor, she would take the responsibility of back dating the revision date on all plans so endorsement of the ANR wouldn't be held up. Joe made a motion to approve the ANR plan for Main Street with the revision date of November 16, 2016. Josh 2nd the motion. – Motion passed unanimously.

Discussion on Changes to Rules and Regulations

Mike Martin, Peter Gove and Jeff Rider were in attendance to discuss changes they would like to make to the Board's Rules and Regulations. These changes were reviewed by the Town Administrator. In addition, the Board is interested in making changes to the Zoning Bylaw and Site Plan Review. After a short discussion, it was decided that this topic would be put on the December 5th agenda in order to give everyone time to review the information.

Alexander Way Update

The Administrative Assistant provided members with an email from the Highway Secretary about a resident that was unhappy that he was inconvenienced with the recent paving of Alexander Way. The Board agreed that it is an active development site and with changes in weather and schedules, it isn't easy to pinpoint exactly when pavers will be on site. Jeff told the Board that the development is coming along. A resident in attendance asked who may be responsible to remove the trash that is located near the trail. The Board asked her to see the Conservation Commission.

Chapman Street Update

The Administrative Assistant said that everything seemed to be going really well with the Chapman Street subdivision. The Board of Road Commissioners, Office, Town Engineer and developer all are in constant contact.

Bear Hill

The Maguire's have been working on their Environmental Notification report with the state.



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

Meeting Minutes – October 17, 2016

Joe made a motion to approve the meeting minutes, as submitted, from the October 17, 2016 meeting. Josh 2nd the motion. – Motion passed unanimously.

Review/Sign Bills and Payroll

No bills. The Secretary's payroll was signed.

Additional Topics Discussed Not Noted on the Agenda

Local Planning for Recreational Marijuana

The Town Administrator sent a Public and Municipal Law Update from Mirick O'Connell to the Planning Board asking what the Board would like to do with the recent passage of Question #4 on November 8th. It was decided to add that discussion item to the December 5th meeting.

Motion was made, 2nd and passed unanimously to close the meeting at 9:32pm.

Respectfully submitted,

Cheryl A. Mann
Secretary
Dunstable Planning Board