



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, March 5, 2018

Approved: March 19, 2018

Vice Chair Joan Simmons at 7:03pm, called the meeting to order.
Members present: Joe VLcek, Josh Kelly, George Basbanes and Eric McKenzie
Meeting held: At the Dunstable Town Hall, 511 Main Street, lower level

Meeting Minutes – February 5, 2018

George made a motion to approve the minutes of the February 5, 2018 meeting. Eric 2nd the motion. – Motion passed unanimously.

Josh Kelly took over as Chair.

Review/Sign Bills and Payroll

Josh signed the 53G invoices for 489/493 and 384 Forest St. as well as payroll slips.

Proposed Recreational Marijuana Bylaw – Town Administrator Tracey Hutton

The Board reviewed the draft recreational marijuana bylaw. Members asked the Town Administrator to make two changes.

- a) Revise the bylaw to allow **cultivation** in all districts if the applicant has an approved Special Permit from the Planning Board.
- b) Remove all recreational marijuana **retail** businesses from the bylaw. These will not be allowed in any district.
- c) If anyone expresses any interest in allowing any other types of businesses, we should only present that for a public vote as a separate warrant and separate ballot question from what the Planning Board proposes.

ANR and Building Permit – 362 Forest Street – John J. Koyutis

Earlier in the day, the Administrative Assistant received an email from Jeff Hannaford (Norse), representative for the applicant, asking to continue the ANR until the April 2 meeting to give them time to conduct soil testing on the lot. George made a motion to approve the request. Joe 2nd the motion. – Motion passed unanimously. The Town Clerk will be notified in writing.

Special Permit Hearing/Building Permit – Backland Lot – 489/493 Forest St.

Josh opened the hearing at 7:35pm. In attendance was Town Engineer Jeff Rider. Mr. Herrick from Herrick Consulting represented the applicants Christopher and Joyce Bertrand, who were not at the meeting. Mr. Herrick explained that his clients were



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looking for a Special Permit to build upon a backland lot with a common driveway. There were a number of comments made by Jeff Rider in his February 22, 2018 letter that were not addressed (by Mr. Herrick) to his and the Board's satisfaction. Items included, but are not limited to:

- a. Lot referred to as 489 Forest Street when it should be 493 Forest Street.
- b. Insufficient erosion control.
- c. Horizontal scale is incorrect.
- d. Additional information regarding potential drainage needs to be provided.
- e. Details of construction or size of drywells needs to be provided.
- f. No topography or profile was shown.
- g. If applicants would like a gravel driveway, a waiver should be requested.
- h. Applicants should provide additional provisions for gravel driveway.
- i. Some site plan requirements were not submitted. If applicants do not want to submit them, they should request waivers.
- j. Revised date of plan should be shown on plan.
- k. North arrow should be shown on all pages of plan.

The Board asked if anyone at the hearing had any questions or comments. None did. Mr. Herrick then asked to continue the hearing until the April 2 meeting to give him time to work with the Town Engineer to resolve issues associated with the plan. Joe made a motion to continue the hearing to April 2. George 2nd the motion. – Motion passed unanimously.

Special Permit Hearing/Building Permit – Backland Lot – 384 Forest Street

Josh opened the hearing at 7:58pm. In attendance was Town Engineer Jeff Rider. Mr. Herrick from Herrick Consulting represented the applicants Christopher and Joyce Bertrand, who were not at the meeting. Mr. and Mrs. Wright, Ann Gagnon (Fish & Wildlife) and a few abutters attended the hearing. Mr. Herrick immediately asked for a continuance since there were items that were not addressed to the Town Engineer's and Planning Board's satisfaction. They include, but are not limited to:

- a. Adjusted property line from 2nd ANR of the property was not shown on plan.
- b. Abutters locations were incorrect.
- c. If driveway is to be gravel, a waiver should be requested.
- d. Grading should be shown.
- e. Rules and Regulations Governing Site Plans requires calculations and detail be submitted.
- f. Some site plan requirements were not submitted. Applicant should request waivers.
- g. Revision date should be on plan.



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Ann Gagnon asked to address the Board saying that Fish and Wildlife purchased the back of the property from Mr. Bertrand and she was there in support of his Special Permit application. Neighbors in attendance asked to review the plan, which they did at the meeting. Joe made a motion to continue the hearing until the April 2 meeting. George 2nd the motion. – Motion passed unanimously.

Scenic Road Hearing/Building Permit –27 French Ct. – Canine Realty/Cullen

Josh opened the hearing at 8:15pm. Leah Basbanes attended the hearing as representative for the applicants. George Basbanes removed himself from the table/discussion since he is the current owner of the property. Pictures of the stonewall were reviewed by the Board. No one attended for the hearing. Joe made a motion to approve the altering of the stonewall at 27 French Court with the following conditions:

1. The continuity of the wall may be broken for a width of no greater than 18 feet.
2. The stones used in the alteration of the wall shall be used in the rebuilding of the wall along both sides of the road or driveway.
3. Only natural fieldstones shall be used in any reconstruction of the wall along the street.
4. No living trees greater than 5 inches in the town's right of way may be cut or removed without the approval of the Tree Warden and Planning Board.
5. No further alteration or work, except as permitted above, shall be performed without the authorization of the Planning Board.
6. Work shall be completed within 12 months of the date of this permit unless the homeowner requests an extension of the permit in writing to the Planning Board and such Board approves the extension.
7. Board requests that the applicant send photos when the project is completed to: Planning Board, 511 Main Street, Dunstable, MA 01827

Stormwater Management Regulations Discussion

The Board reviewed the updated Stormwater Management Regulations and will be setting up a hearing in the next month.

Additional Topics Discussed Not Noted on the Agenda

Alexander Estates – Resident Email

The Administrative Assistant presented an email from the owner of Lot 11 regarding an Easement and the culvert/inlet/pipe on his property. He asked that the Board instruct Mr. Welch (developer) to clean out the drainpipe on his lot and build the area around the pipe in such a way that the soil/sand does not seep into the pipe through the inlet. The Road Commissioners, in anticipation of the road acceptance hearing, will be asking



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for the Planning Board's report on whether work on the subdivision/road has been satisfactorily completed. The Board discussed that Mr. Welch agreed to but did not comply with the terms of the modification of the definitive subdivision.

Background: Mr. Welch came before the Board on May 2, 2016 for a modification of his Definitive Subdivision to extend the culvert under the emergency access drive further into Lot 11; relocating the house, driveway and septic system. At that hearing, Mr. Welch agreed to put in Lot 11's deed that the owner of the lot would be responsible for maintaining the pipe including cleaning it out and making any necessary repairs. The culvert is not in the town's right of way therefore the burden of the system would be on the owner of Lot 11. The eventual owner of the property (Sandeep Rao Gandra) attended at that hearing. The Certificate of Amendment, Modification or Rescission of Approval of the Definitive Subdivision Plan was filed with the Town Clerk on May 3, 2016 and included that stipulation. Mr. Welch was reminded that he needed to provide a draft deed for Lot 11 for Town Counsel to review. The Certificate was released by the Town Clerk and filed at the Registry of Deeds on June 3, 2016. On August 8, 2016, Mr. Welch sold the Lot to Mr. Gandra. A September 19, 2016 email from Mr. Welch's attorney stated that because of a communication breakdown between him and his client, the lot was sold without putting the condition in the deed. Attorney Deschenes submitted a draft Easement Deed for Town Counsel's review. Later in the day at the Planning Board meeting at which Mr. Welch and Attorney Deschenes attended, Attorney Deschenes said that the new owner of the property was made aware of the error. On March 6, 2017, Mr. Welch told members that the Easement Deed was given to the Attorney for Lot 11 and the owner of the lot was aware that the agreement needed to be signed and filed at the Registry of Deeds before the Board would sign his building permit. To date, the issue has not been rectified. The Board will add this to the next agenda for discussion and vote.

Joe made a motion to close the meeting at 8:52pm. George 2nd the motion. – Motion passed unanimously.

Respectfully submitted,

Cheryl A. Mann
Administrative Assistant
Dunstable Planning Board