



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 2, 2018**

Approved: April 17, 2018

Chairman Josh Kelly at 7:30pm, called the meeting to order.  
Members present: George Basbanes, Eric McKenzie, Joan Simmons and Joe VLcek  
Meeting held: At the Dunstable Town Hall, 511 Main Street, lower level

### **ANR & Building Permit – 362 Forest Street – John J. Koyutis – continuation**

The Administrative Assistant received a request from Jeff Hannaford (Norse Design Services, Inc.) to continue discussion/decision on the Approval Not Required (ANR) application for 362 Forest Street (John Koyutis). Mr. Hannaford asked to continue until the May 7 meeting due to bad weather. He has not been able to complete soil testing on the parcel. Joe made a motion to continue the discussion/decision until the May 7 meeting. George 2<sup>nd</sup> the motion. – Motion passed unanimously.

### **Special Permit Continued Hearing/Building Permit–Backland Lot–493 Forest St.**

Josh continued the hearing at 7:41pm. Mr. Bertrand immediately asked for a continuance until the April 17, 2018 meeting to give his engineer time to work with the town's engineer Jeff Rider on outstanding items. Joe made a motion to continue the Special Permit hearing for 493 Forest Street until the April 17 meeting at 8pm. George 2<sup>nd</sup> the motion. – Motion passed unanimously.

### **Meeting Minutes – March 19, 2018**

Joe made a motion to approve the minutes of the March 19, 2018 meeting as submitted. George 2<sup>nd</sup> the motion. – Motion passed unanimously.

### **Bills and Payroll**

Josh signed the bills and payroll.

### **Special Permit Continued Hearing/Building Permit – Backland Lot – 384 Forest St.**

Josh continued the hearing at 7:51pm. In attendance was Town Engineer Jeff Rider, Mr. Herrick from Herrick Consulting and the applicant Christopher Bertrand. Josh asked Jeff if the outstanding issues from the last meeting had been resolved. Jeff replied that they had with the exception of adding some details to the plan including the width of the trench (comment #3 in JSR's letter dated March 21, 2018), erosion control comment (#2 in JSR's letter dated March 21, 2018) and listing the waivers (had not been approved yet). The Board asked Jeff about the requested waivers which he said were reasonable requests for a single family home. Mr. Herrick stated that he would add the comments and waivers to the final plan. No one from the public had any comments. Joe made a



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

motion to close the hearing at 7:57pm. George 2<sup>nd</sup> the motion. – Motion passed unanimously.

George made a motion to approve the following waivers based on the recommendation of the Town Engineer:

- a. from submitting full drainage calculations
- b. from submitting a Landscaping Plan
- c. from submitting a Lighting Plan
- d. from submitting a Traffic Impact Plan
- e. from submitting copies of all variances and Special Permits within 300 feet of the site.
- f. from paved driveway to allow the use of gravel (supported by ConsCom).

Joe 2<sup>nd</sup> the motion. – Motion passed unanimously. George – yes to approve waivers, Joe – yes to approve waivers, Eric – yes to approve waivers, Joan – yes to approve waivers and Josh – yes to approve waivers.

Joe made a motion to approve the Special Permit for 384 Forest Street to build upon a backland lot with approved waivers. George 2<sup>nd</sup> the motion. – Motion passed unanimously. George – yes to approve, Joe – yes to approve, Eric – yes to approve, Joan – yes to approve and Josh – yes to approve.

The Administrative Assistant presented the Building Permit for signature with the understanding that she will release it once Mr. Bertrand files the Special Permit at the Registry of Deeds. Joan made a motion to sign. George 2<sup>nd</sup> the motion. – Motion passed unanimously.

**Proposed Marijuana Bylaw – Town Administrator Tracey Hutton**

The Town Administrator told members that she revised Sections D and E(11) after the last meeting (new draft dated 3/28/18). The Board discussed additional changes after input from residents. The Board decided on the following:

- a) in Section D – rewording to allow Tier 1 in only B1, B2 and B3 districts and Tier II and up in only B3 districts
- b) removal of Section E(8) completely
- c) removal of Section E(10) completely
- d) reword Section E(11) regarding the 500-foot distance to say the same thing as what is currently in the Medical Marijuana Bylaw.
- e) remove everything after “*The building(s) in which a Marijuana Establishment is permitted shall not be located within three hundred (300) feet of any building containing another Marijuana Establishment*” in Section E(13).



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

There was concern about what would happen if the proposed bylaw did not pass at the Annual Town Meeting and ballot. Residents were told a second option would be presented if that were the case: one **not allowing** any marijuana facilities in Town. Some residents felt that the Town should have non-binding questions at the Annual Town Meeting and follow up in the fall with a Special Town Meeting after the Board has an idea of what residents will support. The Town Administrator explained that Town Counsel feels that our moratorium is up for challenge because we are a “yes” town and did not have a ballot question after voting on the moratorium. After the discussion, the Board asked if residents had any additional changes or comments on the draft. None did. Joe asked that the Town Administrator talk with Town Counsel about section F(1)(1)(a)(ii)(iii) and (iv) to see if that section is needed.

The Planning Board received two letters regarding the bylaw, one of which asked to speak at the meeting and have her comments entered into the minutes (Jennifer McKenzie email of Friday, March 23, 2018). When asked, Ms. McKenzie waived her right to read the letter at the meeting. The 2<sup>nd</sup> letter (Christina Lotito – email April 2, 2018) was forwarded to the Board for review.

Ms. McKenzie asked about the order of the warrant questions. Ms. Hutton said she believes there will be one warrant article with two parts but needs to discuss the exact format with Town Counsel.

At the May 7 meeting, members will go over the presentation for the Annual Town Meeting.

**Proposed Town Center Bylaw – Town Administrator Tracey Hutton**

Re: Draft dated 3/19/18. Ms. Hutton told members that the ACP Planner she hired had only a few minor comments, but nothing substantial. Eric asked for revisions to Sections 3.C.1 and C.9. as he is concerned about the impact additional children will have on the school system. Members felt that allowing residents to convert one-family dwellings and existing buildings to incorporate accessory apartments would enable them to continue to live in their large homes. Joan reminded Eric that not everyone in the town center would convert their home into a two-family or apartments. In addition, an increase in the number of bedrooms triggers Title 5 (Board of Health) and possibly a larger septic system, something that the lots in the town center may not be able to accommodate. The Town Administrator explained that having this Bylaw could revitalize the center of Town, give people the option of not having to tear down their old barns, would allow residents to live out their lives in their homes, and is good for historical preservation (by giving owners the funds for upkeep).



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

**Canine Realty Trust–Chapter 61B Right of Refusal–27 French Ct, 28 & 38 Hardy St**

George stepped down from the table and recused himself since he is a Trustee of Canine Realty Trust. The Administrative Assistant told members that she received a letter of intent to transfer three parcels of land located at 27 French Court (Parcel 16-63-2), 28 Hardy Street (Parcel 21-23-2) and 38 Hardy Street (Parcel 21-23-3) to family members. Since these parcels will be conveyed to family, the Trust does not legally need to notify the Town; however, George is on the Planning Board and wanted to notify the Town of his intentions. Joe made a motion that the Planning Board acknowledges the letter and has no objections to the intent to convey the parcels to family members of the Trustee. Joan 2<sup>nd</sup> the motion. – Motion passed unanimously.

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

**1<sup>st</sup> Agenda Item – Alan Chaney – Support of Frye Field**

Alan Chaney explained that the Conservation Commission is hoping to put a Conservation Restriction (CR) on 12 acres of land owned by Robert Frye to prevent the subdivision of the parcel into three house lots. Access is off Cross Street with a deeded right of way on Upton Street. Alan said the property has everything that members look for in a prime parcel such as; water resource (perennial stream), good agricultural land, vista (entrance into Dunstable), important wildlife habitat for box turtles, is a wet meadow, near the Town Forest which has a good trail system and is of historical importance (old Fletcher homestead – pre-revolution). The price for the restriction is \$499,000 of which the Commission will apply for a state LAND grant of \$255,000 (if not chosen by the State to be funded, the project will not happen), \$194,000 from Community Preservation Act funds (\$35,000 open space/\$159,000 unreserved) and \$55,000 of timber funds. The project has already received endorsement from Historical, Conservation and Community Preservation Committee. George recommended that the Board support the endeavor. Joe 2<sup>nd</sup> the motion. – Motion passed 4-1 with Joan voting against the purchase.

Joe made a motion to close the meeting at 9:38pm. Joan 2<sup>nd</sup> the motion. – Motion passed unanimously.

Respectfully submitted,

Cheryl A. Mann  
Administrative Assistant  
Dunstable Planning Board