



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
Tuesday, April 17, 2018

Approved: May 7, 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

Dumont Property Purchase – Mike Martin – Road Commissioner

Mr. Martin asked to speak to the Board about the proposed warrant article to purchase the Dumont parcel. He explained that the Road Commissioners are in support of the acquisition and if passed at Town Meeting/Town Election, they will be moving the Highway Department to the property. In order to help offset the 2.6 million dollar debt exclusion, plans include selling the existing highway garage and installing a solar field on some of the 74 acres. The Board of Selectmen will be discussing the purchase on Wednesday, April 18.

7:35pm - Zoning Bylaw Hearing - Town Center Overlay District & Marijuana Bylaw

Josh explained the procedure for tonight's meeting by saying that he will open the public hearing, the Administrative Assistant will read the legal notice from the newspaper, the Board will discuss the bylaws one at a time and then he ask the public for comments or questions.

Josh opened the hearing at 7:35pm. The Administrative Assistant read the legal notice. Josh said that the Board would start with the Town Center District/Parking Requirements Bylaw first. Conversation started with the Board discussing whether properties converted into commercial uses with apartments should be owner occupied or owner operated. After talking among themselves and with Town Administrator Tracey Hutton, Josh asked if there were any questions or comments from those in attendance. Mr. Gath from Valley Street said he believed that owner occupied or owner operated would be too restrictive. An owner of a building may not want to live or work in their building. Carol Bacon from the Affordable Housing Committee said that if what the Board is concerned about is the appearance of the buildings, she feels that owners of these properties would keep up their buildings in order to attract renters. No one will want to rent from an owner with a building in disrepair. Chris Lee from Valley Street asked if there would be repercussions if an owner does not maintain their property. Tracey said that there are consequences for large issues however not if a lawn is overgrown or paint is chipping off a structure.

Kieran Meehan from Alexander Way talked about the historical integrity of the structures and how the bylaw states the appearance of the exterior cannot substantially change.



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Mary Dacquino from Main Street asked if a Special Permit under the Town Center District would transfer to a new owner. Joe felt that an owner of a property should be able to transfer a permit for a similar use to a new owner.

In the proposed bylaw, a property owner could convert their building into apartments. Eric said that in order to encourage businesses and a walkabout Town Center, the bylaw should say that at least 51% of the gross floor area of a building's first floor must be commercial with apartments allowed in the remainder of the building.

Joan said that the state's title 5 law should limit the amount of apartments in the Town Center District. Installing new septic systems/leach fields is costly and many of the homes in the Town Center District do not have the acreage to be able to do that.

Henry Fontaine from Fletcher Street explained that in order for an owner of a property to change their use, they would also need to update the property to comply with the building code.

After the discussion, Joe made a motion to close the hearing for the Town Center District. George 2nd the motion. – Motion passed unanimously. – Joan yes to close hearing, Eric yes to close hearing, Joe yes to close hearing, George yes to close hearing and Josh yes to close hearing.

George then made a motion to recommend to the Board of Selectmen, passage of the Town Center District and Parking Requirements Bylaw article at the Annual Town Meeting in May 2018 with the following amendments:

- a. Remove "owner occupied" from 3.C.3. and add "and provided that the primary use of the first floor (at least 51% of the gross floor area) must be commercial.
- b. Remove 3.C.9 in its entirety

Joe 2nd the motion. – Motion passed unanimously. – Joan yes to recommend passage with amendments, Eric yes to recommend passage with amendments, Joe yes to recommend passage with amendments, George yes to recommend passage with amendments and Josh yes to recommend passage with amendments.

At 8:30pm, Josh opened the 2nd part of the hearing for the Amendment to the Dunstable Zoning Bylaws to regulate recreational marijuana establishments. Joe brought up that he was concerned about what could happen if the article failed at Town Meeting. The Cannabis Commission finalized regulations in March of 2018 so they are allowing towns to extend their moratoriums in order to give towns time to come up with adequate bylaws. Joe suggested that the Town put an additional article on the warrant stating that Dunstable would like to extend theirs until June of 2019, as a safety net in case the



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article fails. That way the Board would have two more Town Meetings in order to pass a bylaw but in the meantime, would be protected by the moratorium. George disagreed and did not support offering multiple articles, which could confuse voters.

Josh asked if anyone from the public had any comments or questions. Gerry Gath from Valley Street said that he is permitted to do horticulture in his greenhouses and would like to petition the town and state to grow marijuana, however, under the revised draft, he could not do so in the R1 district. His son John said that the family has two large greenhouses and a finished barn that they would like to use. The overhead for this business is cheaper in a greenhouse than a warehouse. He introduced Stephen Chaisson from American Cannabis Consulting and Compliance who is assisting the Gath family with the process.

Jake Lewon from Pleasant Street said that delaying the adoption of a bylaw would not be beneficial to someone wanting to cultivate marijuana in town since the state will be approving a limited amount of permits. The application process is extensive and includes the applicant of a proposed business entering into an agreement with the Town.

Chris Lee from Valley Street said that the revised bylaw presented tonight is too restrictive and regulating. Before the last revision, cultivation was allowed (Tier 1 only) in the R1 residential district. With the removal of that, the only place allowing marijuana cultivation is on two parcels in the entire town. Mr. Lee said that he is currently revitalizing his apple orchards and may eventually want to have a business similar to the Gath's.

Chris Bertrand from Forest Street said that in order to pass any type of bylaw, residents must be educated. The Town Administrator said that once the warrant is signed, elected bodies cannot campaign for an article.

After the discussion, Joe said to take the proposed moratorium extension off the table, as he no longer wanted it considered.

George made a motion to close the hearing for the amendment to the Dunstable Zoning Bylaws to Regulate Recreational Marijuana Establishments. Joe 2nd the motion. – Motion passed unanimously. – Joan yes to close the hearing, Eric yes to close the hearing, Joe yes to close the hearing, George yes to close the hearing and Josh yes to close the hearing.

Joe then made a motion to recommend to the Board of Selectmen passage of the article to Regulate Recreational Marijuana Establishments at the Annual Town Meeting in May 2018 with the following amendments:



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- a. Add "Other Type of Licensed Marijuana Related Business" to the list of prohibited uses in town, along with retail.
- b. Allow Tier 1 Marijuana Cultivators in all districts.
- c. Change the number of feet that a marijuana establishment can be located from a residential dwelling from five hundred (500) feet to two hundred (200) feet.
- d. Article 17 – Amendment to the Dunstable Zoning Bylaws to Prohibit Recreational Marijuana Establishments – remove from the warrant
- e. Article 18 – Extension of Moratorium on Recreational Marijuana Establishments – remove from the warrant.

George 2nd the motion. – Motion passed 4-1. – Joan yes to recommend passage of the article with amendments, Eric no does not recommend passage of article, Joe yes to recommend passage of the article with amendments, George yes to recommend passage of the article with amendments and Josh yes to recommend passage of the article with amendments.

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

Josh continued the hearing for 493 Forest Street. 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 however, the plan showing the grading for the proposed common driveway is as close as 2 feet from the abutter's property line. He suggested that the Board may want to include as a condition that the property line be staked by a Professional Land Surveyor licensed by the Commonwealth of Massachusetts prior to construction to ensure that the contractor does not inadvertently cross the line. Mr. Bertrand said that the stonewall on the property is the property line. Jeff said that he did not know about the stonewall since it is not shown on the plan. The Board discussed the waivers with Jeff Rider agreeing that they were reasonable requests for a single family home. Joe made a motion to close the hearing. George 2nd the motion. Motion passed unanimously. Joan yes to close hearing, Eric yes to close hearing, Joe yes to close hearing, George yes to close hearing and Josh yes to close hearing. George made a motion to grant 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 2nd 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.



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Joe then made a motion to approve the Special Permit for 393 Forest Street to build upon a backland lot with approved waivers. Joan 2nd 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. Joe made a motion to sign. George 2nd the motion. – Motion passed unanimously.

ANR – Lots 6 & 7 River Street – Ken Tully

The Administrative Assistant told members that she received a request from Jeff Hannaford to extend the time to discuss and make a decision on the ANR for Lots 6 & 7 River Street (Ken Tully). George made a motion to grant the extension. Eric 2nd the motion. – Motion passed unanimously.

Meeting Minutes – April 2, 2018

George made a motion to approve the minutes of the April 2, 2018 meeting as submitted. Joe 2nd the motion. – Motion passed unanimously.

Bills and Payroll

Josh signed the bills and payroll.

Vote in Support of Wild & Scenic River Designation

George made a motion to send a letter in support of the Wild and Scenic River Designation. Joe 2nd the motion. – Motion passed unanimously.

Additional Topics Discussed Not Noted on the Agenda

George made a motion to close the meeting at 10:02pm. Joe 2nd the motion. – Motion passed unanimously.

Respectfully submitted,

Cheryl A. Mann
Administrative Assistant
Dunstable Planning Board