



**BOARD OF ROAD COMMISSIONERS  
TOWN OF DUNSTABLE  
TOWN HALL, 511 MAIN STREET  
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**MINUTES  
December 14, 2011**

The meeting began at 7 p.m. In attendance were Chairman Tom Dumont, Commissioner Mike Martin, Commissioner Dave Crandall, and Secretary, Terry Atwood. Also in attendance were the following Tyngsboro residents who live on Danforth Road:

Scott Vrablik, 72 Danforth Road  
Larry DiBenedetto, 71 Danforth Road  
David Desmond, 68 Danforth Road

Tom introduced the Board to the Tyngsboro residents. Larry DiBenedetto introduced himself and the other residents. Concern was expressed for the condition of Pine St. in Dunstable, specifically the potholes. They are numerous, large and tires have been blown out and rims bent because of them. The larger problem is liability - the condition of the road, potholes and the width of the road. Mr. DiBenedetto acknowledges the DPW is good about filling the potholes but the patch doesn't last. The road is shrinking because of the debris from the storm and there's only room for about a car and a half. In a year or two there will only be room for one car. He hopes the DPW can take the truck and chop trees, debris and continue to fill the potholes. He asked the Board what the future plans and/or permanent solution will be to fix the road condition. He added that he has also talked with bus drivers who need to travel the road and they have also expressed safety concerns.

David Desmond added that the road shrinks in winter because of snow accumulation and also feels it's a safety issue. Larry approached the Board with a copy of a letter sent to the Dunstable Board of Selectmen 2 years ago and a second letter that was sent recently. He has had no feedback from the town other than being called to attend this meeting.

Dave Crandall stated that Larry could surely understand that this is low priority for the town of Dunstable because no Dunstable residents live on Pine and Maple Streets. Mike Martin further explained that the problem seems to be that there is no evidence that the road has been accepted by the town and it appears that the McLoon family still owns it, which means the road was put on private property. Larry questioned how the road could have been put on private property. Mike explained that he is hearing from different people that the road, Pine St., was once a stage coach road that led to the Danforth residence. When the builder of the houses currently there wanted to build, he was told he would not be issued building permits unless there was a paved road in place. It appears that the builder paved the road without permission from the McLoon's.

It's a road on private property that serves no Dunstable residents. David Desmond questioned if



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Tyngsboro could be forced to maintain that road. Tom responded that that is a question for town counsel and added that Dunstable does plow the road. David Crandall acknowledges that as Tyngsboro residents who pay taxes they have a valid point that they need a maintained street. Mike Martin further stated that now the legal right of the Road Commission is in question regarding maintaining that road.

Tom Dumont asked Terry to contact town counsel regarding the legality of the town going on the road that may be, in fact, private. The town will get rid of the brush along the sides of the street and paving is done for this season. Larry DiBenedetto asked about whether paving *sections* of Pine St. would be a possibility. Mike Martin responded that it would be too costly. Larry DiBenedetto commented that if the road is, in fact, private, a lot of people have been trespassing on it. Mike responded that that's the way it appears, but he's not a legal authority on this matter. Larry expressed hopes that both Dunstable and Tyngsboro could collaborate and work something out to maintain it. Mike said the potholes will still be filled. David Desmond expressed his appreciation of the filling of the potholes. Larry Di Benedetto questioned how the street sign got there. Mike acknowledged that Maple and Pine are named roads, but have always been dirt roads, probably more narrow than what they are now for the purpose of the stagecoach to get to the Danforth residence. Discussion followed. Dave Crandall recalled the road being dirt while he was growing up, which means it would have had to have been paved in the last 20 years. Because the road was originally paved improperly, paving over it now would not make it last any longer. In summary, Dunstable will ask for town counsel's advice while still patching potholes and removing debris along sides of the road as the DPW can get to it. In the meantime, Tyngsboro residents will go to the Tyngsboro selectmen and explain their situation and see what, if anything, they can suggest to remedy the situation. Terry will send a letter to Larry DiBenedetto updating him when there is new information. Tyngsboro residents left the meeting at 7:45 p.m.

Jeff and Jean Haight, 114 High St., approached the Board regarding their concerns for the berm in front of their house. Their house was built in 1986. Eventually, the town put in storm drains and fixed the road. There was Cape Cod berm on the road, but after it was paved a couple of times since then, the berm had become uneven and worn. On the downhill side of the property water began coming in. About 3-4 years ago Jeff put his own berm in with cold patch and it's been working. He has orange fiberglass markers for the plows to see. He is requesting that the plows try and stay 1' away from the berm. Tom Dumont stated that he will talk to David Tully, the Highway Foreman, and Jeff may see more heavy duty markers added to help the plows identify the area. Jean Haight asked if there are any future plans to replace the berms in town. Tom stated that they try and fill in the shoulders of the road but there aren't resources to install berms. Jeff also stated that he tries to keep the catch basins clean. Dave Crandall acknowledges



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the road takes in a lot of water and he will take a look at the road. The plows will try their best to stay clear of the berm. The Hights left the meeting at 7:55 p.m.

At 7:55 p.m. Joe Gleason, an attorney representing Verizon, approached the board regarding a street opening permit application for 25 Adam St. for FIOS service. He had heard that an underground bore was requested by the town which concerns Verizon because of the electric conduit and gas lines in the area that make it difficult.

Dave Crandall commented that Adam St. is a newer road and the general policy is not to dig up the road but go under it instead. Tom also added that he doesn't agree with Verizon that they can't do directional boring because if, for example, they hit ledge, Verizon would go around it. He also added that it was too late in the year to dig up the road now as policy states November 15<sup>th</sup> as the deadline. Joe stated that he did not have much background information on this matter and asked that the Board take no action. He will go back to Verizon and let them know the Board prefers underground boring. He'll get more information and then come back to the board in the spring. The Board agreed. At 8:05 p.m. Joe left the meeting.

The minutes of October 3, 2011 were accepted as written.

Terry informed the Board we have received the Annual State Highway Maintenance Permit for 2012.

The street opening application for 264 Hall St. gas service was discussed. Again, the Board wants a directional underground bore done versus the street being dug up.

The Board signed the Earthscape plowing contract for 2011-2012.

The Board requested Terry to call Jeff Rider and ask him for a copy of the 100% stamped approved by the state McGovern's wall plans. The Board also asked Terry to check on the status of the Main St. Bridge and to see if it's still on track.

The next meeting is to be determined. The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Terry Atwood  
Highway Secretary