



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, 2022**

Approved: December 5, 2022

Chair Jeff Pallis called the meeting to order at 6:30pm  
Members present: Alan Chaney Joan Simmons, Joe Vlcek and Jim Wilkie  
Member absent: none

**Edge-of-Road By-law Proposal – Roads Commission – Mike Martin**

Roads Commissions member Mike Martin was in attendance and offered his approval on the latest draft edition by Joan distributed as "*Highway Bylaw Draft #3\_JS\_111522.docx*".

There was a brief discussion on subtle edits from Jim, and next steps needed to get town counsel's review and final approval ahead of a required public hearing to be scheduled. Joan will make final edits and a new draft will be sent to members for a final follow-up review at a future meeting.

**Building Lot Land Swap – Robbins Farm Cluster Development – DRLT / Robert Kennedy**

Mr. Kennedy commented on emailed feedback from town counsel that the proposed land lot swap would require a new backland lot special permit application and thereby be held to a 5-acre lot minimum. He stated the land lot #16 was part of a cluster development with less acreage, and the simple repositioning and swap of land would be of benefit to everyone. This includes the neighbors on Robbins Farm, as well as community as a whole who would have a greater continuous parcel of the DRLT property's open space to utilize.

Discussion followed on whether the board must follow the guidance of town counsel or if they can deviate to approve the request as a simple swap of the lot location.

Mr. Kennedy proposed that land-owner Ken Tully proceed with the survey to create the house lot in the new position previously presented.

Joe made a motion to approve the lot swap plan and have the owner proceed with his new survey to create the lot repositioning on Robbins Farm Road. Jim 2nd the motion. – Motion passed unanimously.



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

**Special Permit Hearing Backland Lot Development – Section 11.7 – Ellen Logiodice –  
"255" River Street**

Jeff opened the hearing at 6:41pm and explained the hearing procedure and process. In attendance: Applicant Ellen Logiodice and family, property owners Ronald and Ann Patenaude, and Hoyle-Tanner Town Engineer, Dave Langlais. The Clerk read the legal notice printed in the Groton Herald.

The subject parcel contains 5.16 acres with 50' of frontage on River Street, assessor's map 2 block/lot 7, and is located in the R-1 Residential zone.

Doug Lees of Land Engineering & Environmental Services, and surveyor-engineer of record on the project, represented the applicant. Doug presented the Special Permit application to create a backland lot and construct a single-family dwelling. Doug displayed updated plans of the property involved which is on the westerly side of River Street, south of existing dwelling #245. Doug highlighted that he had been before the board on October 17th to present and secure board approval for the applicants' ANR to create three new lots, which they now sought one special permit.

Doug noted that most of the applicants' waivers requested with their application were related to requirements associated with site plan reviews for special permits typically for commercial building or larger housing development projects. This project is for a single-family structure on an existing clearing towards the back of the lot.

The proposal is for the driveway to be gravel with side infiltration trench channels to handle run-off. They had done recharge calculations to show the 1" over impervious and counted the full gravel driveway as impervious area – although it would be somewhat pervious. The trench size as drawn exceeds Dunstable requirements by 30% accommodating 1360 cu. ft, vs. 1060cu ft required.

They sought a waiver for full underground electric, as overhead electric via poles the majority of the driveway was more cost effective given the distance to the dwelling. Buried electric would be done closer to the house with 6' residential lighting along the driveway.

**Planning Board Questions and Discussion:**

Jim inquired about the driveway grade and elevation change. Doug responded it was a 10% grade, with a 50' elevation difference from top of hill to the street with the longest level spots at both roadside and the house site. He further noted that because the total land disturbance (including the driveway) was just over an acre, it triggered the tier II stormwater land disturbance permit requirements. This was another reason for the longer list of waivers sought.



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

Jeff inquired about Conservation Commission visits, if any and noted the vernal pool on the map. Doug replied there was a potential vernal pool according to MassGIS but no other wetlands associated with it, so they did not file with Conservation. They did file with Massachusetts Heritage for a MESA review, who are planning on a study for habitat sites related to species in the area. Alan noted that the area is a priority habitat for the threatened Blanding Turtles and Heritage's biologist would likely do a full study. Alan reminded the applicant of the town's wetland bylaws which protects isolated wetlands such as vernal pools beyond 500sq ft. As part of certifying for the earlier ANR, Doug noted that Norse Design had walked the site for the applicant to review for wetlands.

Joan referenced the town engineer's feedback surrounding requirements for parking and access to be paved. Additionally, town site plan regulations note a requirement for underground utilities. Doug noted a fully paved driveway would be a greater infringement upon the land and add a lot of water run-off vs. gravel which is more pervious. He shared poles for utilities were a more economical option to the cost of PVC and underground utilities from the roadway.

Discussion continued around the site plan regulations for backland lot special permits. Much of the site plan regulations were focused on larger multi-home developments verses a single-family residence and that the multiple waivers requested were around such.

Town Engineer of Hoyle-Tanner, David Langlais:

David Langlais spoke on his review of the application and plans provided with regard to the Rules and Regulations Governing Site Plans in Dunstable, Massachusetts. Referring to his letter of feedback dated November 17, 2022:

Hoyle, Tanner & Associates, Inc. completed review of the project. The following documents were scanned and submitted via email from Matt Dusenberry of Land Engineering & Environmental Services on September 27, 2022, for review:

1. Letter of Transmittal, Lot #3 – River Street, Dunstable, MA dated September 27, 2022.
2. Special Permit Application with Narrative, River Street, Dunstable, MA dated September 21, 2022.
3. List of Requested Waivers, River Street, Dunstable, MA dated September 21, 2022.
4. Land Disturbance Permit Application, 0 River Street, Dunstable, MA dated September 16, 2022.
5. Certified Abutters List, dated September 6, 2022.
6. Site Development Plans, Lot #3 - River Street, Dunstable, MA dated September 21, 2022.
7. Stormwater Management & Erosion Control Plan, Lot #3 – River Street, Dunstable, MA dated September 21, 2022

Based upon the documents received and reviewed, David offered the following comments:



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

1. Recommendation that the Board accept the Applicant's request for a waiver from providing the full drainage calculations, required per Dunstable Rules and Regulations Governing Site Plans, Article III, Section 3.03, as the simplified calculations provided appear satisfactory for the intended use of the property, and the proposed disturbance aims to preserve the existing landscape as indicated in the narrative and on the plans.
  - Alan made a motion to approve the waiver request. Joe 2nd the motion. – Motion passed unanimously.
2. The Applicant had provided the plans at a scale of 1"=40' instead of the 1"=20' per Dunstable Rules and Regulations Governing Site Plans, Article III, Section 3.04, Plans, which is acceptable for electronic review.
  - Joe made a motion to approve the 1"=40' plan set offered which allows the full plan to fit on a single piece of paper. Alan 2nd the motion. – Motion passed unanimously.
3. Recommendation that the Applicant request a waiver or provide a paved parking area and access drive per Dunstable Rules and Regulations Governing Site Plans, Article IV, Section 4.02.
  - Alan made a motion to approve a waiver requested to allow a gravel driveway from the roadway to the residence. Joe 2nd the motion. – Motion passed unanimously.
4. The Applicant should clarify why they have requested a waiver for underground utilities required for a portion of the electrical and telephone utilities, per Dunstable Rules and Regulations Governing Site Plans, Article III, Section 3.04, Grading, Drainage, Utilities, as it is unclear as to why these cannot be underground for the full length.
  - Discussion by Doug during his presentation offered reasoning for requesting this waiver. Jeff noted a prior experience with the power company requiring underground utilities from the street may dictate the necessity to submerge utilities.
  - Alan made a motion to approve a waiver requesting utilities be fully underground. Joe 2<sup>nd</sup> the motion. – Motion passed unanimously.
5. Recommendation that the Board accept the Applicant's request for a waiver for trees 12" or greater located within the locus to be shown on the plans as required per Dunstable Rules and Regulations Governing Site Plans, Article III, Section 3.04, Grading, Drainage, Utilities, as the majority of the property will remain undisturbed and the site improvements have been located to utilize the existing cleared areas in an effort to preserve the existing landscape, as described in the narrative.



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

- Joe made a motion to grant the waiver requested. Alan 2nd the motion. – Motion passed unanimously.
- 6. Recommendation that the Board accept the Applicant's request for a waiver from providing the Landscaping Plan, required per Dunstable Rules and Regulations Governing Site Plans, Article III, Section 3.04, as the narrative and plans indicate that the landscaping will largely be preserved as-is. The property, as described, appears to indicate sufficient screening in its current and proposed state, and the Site Layout Plan and Grading and Utility Plan appear to indicate sufficient areas for snow storage.
- Joe made a motion to grant the waiver requested. Alan 2nd the motion. – Motion passed unanimously.
- 7. Recommendation that the Board accept the Applicant's request for a waiver from providing the Locus Plan detailing neighboring properties private wells within 300 feet of the property, as required per Dunstable Rules and Regulations Governing Site Plans, Article III, Section 3.04, as all other information has been provided on other pages of the plan.
- Joe made a motion to grant the waiver requested. Alan 2nd the motion. – Motion passed unanimously.
- 8. Recommendation that the Board accept the Applicant's request for a waiver from providing the Lighting Plan, required per Dunstable Rules and Regulations Governing Site Plans, Article III, Section 3.04, as the plan proposes residential type light posts and observation of the surrounding area indicates that the abutting properties have sufficient screening provided by existing tree growth.
- Joe made a motion to grant the waiver requested. Jim 2nd the motion. – Motion passed unanimously.
- 9. Recommendation that the Board accept the Applicant's request for a waiver from adhering strictly to the design standards for drainage, parking and access, landscaping, and lighting required per Dunstable Rules and Regulations Governing Site Plans, Article IV, Section 4.01, 4.02, 4.03, and 4.04 respectively, as this request is subsequent to other waivers that have been recommended for acceptance.
- Joe made a motion to grant the waiver requested. Alan 2nd the motion. – Motion passed unanimously.



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

10. With the exception that there has been no evidence provided to verify whether or not there are any existing easements or deed restrictions on the property, recommendation that the Board accept the Applicant's request for a waiver from submitting all variances and Special Permits issued for the site or any property within 300 feet of the site, required per Dunstable Rules and Regulations Governing Site Plans, Article III, Section 3.06.

- Joe made a motion to grant the waiver requested. Alan 2nd the motion. – Motion passed unanimously.

11. Recommendation that the Applicant address the following items related to the *Stormwater Management & Erosion Control Plan*:

- a. The Applicant should add the address and telephone number for the owner and the telephone number for the plan preparer per the Stormwater Management and Illicit Discharge Regulations, Section 7.D.1.
- Doug noted he will add the information to the cover sheet of an updated plan set and deliver to the administrator.
- b. Recommendation that the Board accept the Applicant's request for a waiver from strict adherence to the Stormwater Management Plan required per the Stormwater Management and Illicit Discharge Regulations, Section 6.A.5.a and Section 7, as the simplified plan provided appears to adequately address the concerns of the regulations for the intended use of the property. As previously stated, the Applicant has indicated an intention of preserving the existing landscaping as-is.
- Joe made a motion to grant the waiver requested. Jim 2nd the motion. – Motion passed unanimously.
- c. Recommendation that the Board accept the Applicant's request for a waiver from strict adherence to requirements of the Operations and Maintenance Plan, as required per the Stormwater Management and Illicit Discharge Regulations, Section 6.A.5.c. and Section 9, as the simplified plan provided appears to adequately address the needs for the single family dwelling proposed.
- Joe made a motion to grant the waiver requested. Alan 2nd the motion. – Motion passed unanimously.
- d. Recommendation that the Board accept the Applicant's request for a waiver from strict adherence to requirements of the Erosion and Sediment Control Plan, as required per the Stormwater Management and Illicit Discharge Regulations, Section 6.A.5.b. and Section 8, with



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

regards to development of an Erosion and Sedimentation Control Plan drawing containing the information described in the Stormwater Management and Illicit Discharge Regulations, Section 8.E and Section 8.D. Hoyle-Tanner agreed that this can be contained in the Stormwater Pollution Prevention Plan prior to construction.

- Joe made a motion to grant the waiver requested. Alan 2nd the motion. – Motion passed unanimously.

Additional town engineer comments related to the infiltration trench:

- e. The Applicant will ensure the infiltration trench stone is correctly sized. The Massachusetts Stormwater Handbook and Stormwater Standards calls for 1.5-inch to 3.0-inch diameter stone for infiltration trenches, assuming a void ratio of 0.4 per the Massachusetts Stormwater Handbook and Stormwater Standards Volume 2, Chapter 2, page 97.
- f. The Applicant will ensure the infiltration trench is 2 ft above the seasonal high-water table or bedrock per the Massachusetts Stormwater Handbook and Stormwater Standards Volume 2, Chapter 2, page 97.
- g. The Applicant will verify that all other conditions of Table IT.1 - Site Criteria for Infiltration Trenches per the Massachusetts Stormwater Handbook and Stormwater Standards, Volume 2, Chapter 2, page 97 have been met, or seek variances as appropriate.

Discussion ensued about the lower part of the driveway to ensure no run-off ponding of water near the roadway were likely to occur. Methods and materials to mitigate were suggested by Doug. Dave suggested addressing it in the field during construction.

- Doug will update the plans to address comments e. and g. above and modify the location of the infiltration trenches on the final plans to be outside of 100' of the well.
- Jim made a motion to add a special permit condition which ensures the infiltration trench will be 2 ft above seasonal high-water table during the point of construction. Joe 2nd the motion. – Motion passed unanimously.

Per a final comment from the town engineer's review, Doug provided an updated Land Disturbance Permit Application which includes the owner's phone number on page 1 and the owner's name on page 2.



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

Departments in Attendance/Letters Received:

No departments notified were in attendance to offer additional concerns or input. No letters were received regarding the application.

Attendees Questions and Comments:

No questions or commentary from the public in attendance.

- Joe made a motion to close the Special Permit hearing for "255" River St. Alan 2<sup>nd</sup> the motion.

Roll Call Vote:

- Jim Wilkie - yes to close hearing, Joan Simmons - yes to close hearing Alan Chaney - yes to close hearing, Joe VLcek - yes to close hearing, Jeff Pallis - yes to close hearing

– Motion passed unanimously.

- Joe made a motion to grant the Special Permit, under Section 11.7 with noted waivers and conditions. Alan 2<sup>nd</sup> the motion.

Roll Call Vote:

- Alan Chaney-yes to approve, Joan Simmons- yes, to approve, Jeff Pallis-yes to approve, Joe VLcek-yes to approve, Jim Wilkie-yes to approve,

– Motion passed 5-0, unanimously.

**ANR Approval – 107 Mill Street – Archer Davis, Jr.**

Jeff Hannaford of Norse Design Services, representing the applicant Archer Davis Jr., presented the ANR application. The property involved is on Mill Street and a portion of the former estate of Archer Davis. Archer Jr. is proposing the creation of two new backland lots which the town engineer has reviewed and approved. Lot 1 will be 16.44 acres with 199' frontage and lot 2 will be 8.03 acres with 111.34' frontage on Mill Street. Soil testing for a septic has already occurred and passed on lot 2. It is anticipated that the two lots will have separate drives.

Town Engineer, David Langlais had issued a letter of approval to the board for the board dated November 18<sup>th</sup>.

Alan made a motion to approve the ANR plan. Joe 2<sup>nd</sup> the motion. – Motion passed unanimously.

The board proceeded to add signatures to the updated plans.





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 Withdrawal Approval – 10 Sweets Pond Road – David Sweet**

Mr. Sweet issued an email request to the administrator on November 9th withdrawing his interest in pursuing the ANR at this time.

The administrator has created a Form A-3, ANR-Withdrawal letter for the Town Clerk's records to close out the September 12th, 2022 ANR application on file.

Joe made a motion to approve without prejudice the withdrawal of the ANR. Jim 2nd the motion. – Motion passed unanimously.

### **Approval of Meeting Minutes of November 7, 2022**

Alan made a motion to approve the meeting minutes of the November 7th meeting, as submitted. Jim 2nd the motion. – Motion passed unanimously.

### **Bills/Payroll**

- Alan made a motion to pay an \$18.81 bill for board postage services. Jim 2nd the motion. – Motion passed unanimously.
- Joan made a motion to sign off on payroll. Joe 2nd the motion. – Motion passed unanimously.

### **Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting**

Joe made a motion to close the meeting at 8:09pm. Jim 2nd the motion. – Motion passed unanimously.

The next scheduled meeting is Monday, December 5, 2022 at 6:30pm.

Respectfully submitted,

Carol A. Rock  
Administrative Assistant  
Dunstable Planning Board