



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**  
**Wednesday, April 19, 2023**

Approved: May 1, 2023

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

**SCHEDULED ITEMS**

**May 2022 Approved ANR, Mylar Signatures, 346 High Street** – *Robert Kennedy*  
Mr. Kennedy was in attendance and explained he'd misplaced the Mylar copy of his May 2022 approved ANR plan for his property at 346 High Street. He needed to record the ANR at the Registry of Deeds and was seeking the boards' signatures on the new Mylar in order to do so.

The Planning Board recorded today's date and added their signatures to the Mylar plans.

**ANR, 125 & 143 Thorndike Street** – *Jack Visnewski / Pam McCarthy for the McCarthy Revocable Trust*

Jack Visnewski of J.A. Visnewski LLC was in attendance and representing the McCarthy Revocable Trust to present the ANR plan. Applicant Pam McCarthy was also present.

Jack noted the land survey had been done by David DeBay/#33887. The McCarthy's reside at 143 Thorndike and also own the #125 property abutting it. He shared that the owners had approached the Dunstable Conservation Commission earlier this year and received an approval for an Order of Conditions (OOC) to put in a driveway, septic and well for a new single family home on the 125 Thorndike property. As part of that OOC, in order for the proposed driveway to stay away from the wetlands present on the property, they needed to assume a small portion of their property from 143. The "Parcel A" (3,137sf) was therefore to be added to the 125 Thorndike property, and this was an ANR to modify the lot lines.



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Jack shared that there would be a wetland crossing needed for the driveway, which was addressed during the Dunstable Conservation Commission presentation and OOC approval.

Joe noted the presence of a stone wall on the scenic Thorndike road and the requirement for a scenic road hearing to approve alteration. Jack acknowledged that they'd pursue the scenic road application and return to the Planning Board for approval to modify the stone walls for the driveway planned.

Alan made a motion to approve the ANR. Joan 2<sup>nd</sup> the motion. – Motion passed unanimously. The board proceeded to add their signatures to the Mylar and 6 copies of plans. Plan approved: Plan of Land, Lot Line Adjustment 125 & 143 Thorndike St. in Dunstable, MA, prepared for James & Pamela McCarthy, 143 Thorndike Street by J.A. Visniewski, LLC., dated April 3, 2023, drawing no. 9797.

### **Approval of Meeting Minutes of April 3, 2023**

Joe made a motion to approve the meeting minutes of the April 3rd meeting, as submitted. Alan 2<sup>nd</sup> the motion. – Motion passed unanimously.

### **Bills/Payroll**

- No bills
- Alan made a motion to sign off on two payrolls. Joe 2<sup>nd</sup> the motion. – Motion passed unanimously.

### **501 High Street Lot Split Town Counsel Feedback**

The board reviewed responses to questions forwarded to Town Counsel surrounding an earlier inquiry from the resident of 501 High Street. In mid-March the resident had inquired with the board about how to split his ~10 acre property into two lots and whether a Special Permit for backland lot(s) were required.

The existing lot has ~310' total frontage but is unusual with a narrow point that is only ~168' wide. The lot does not have the required 200' continuous width from street to existing structure to support a standard lot creation as required by bylaw section



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11.3.3, which states *"the distance between said lot lines shall not be less than the minimum frontage requirement"*.

Town Counsel had responded to interpret bylaw 11.7 (f) Backland Lot Requirements, on whether the *"no more than two backland lots with contiguous frontage will be allowed"* applied to an applicant's single project or if it also included the existing abutting properties. He responded that *"If there are no prior interpretations or determinations on this point by the Building Inspector or Planning Board, then I believe the most reasonable interpretation of the two-lot restriction is that it prohibits more than two backland lots with contiguous frontage regardless of whether they are approved as part of the same plan."* He further noted that *"otherwise, a road might have a series of contiguous lots with just 40 feet of frontage, which may result in numerous driveways in close proximity on an otherwise rural roadway (given the large size of backland lots). This would appear contrary to the other restrictions in the Bylaw, which are designed to minimize driveways. Further, if it were intended that the two-lot restriction only applies to lots approved as part of the same plan, the restriction could have stated as much."*

He did not see a clear basis in the text of the Bylaw to conclude that it allowed more than two contiguous backland lots so long as they are approved on different plans.

The Planning Board agreed with Town Counsel's interpretation of the bylaw which would not allow for the resident to apply for special permit(s) to create two additional backland lots next to the two existing ones. The prior recommendation to consider securing a portion of the neighbor to the north's parcel to expand the continuous width for creation of a standard lot might allow for creation of a single additional backland lot subsequently. The Administrator will share the feedback from counsel to the resident.

### **Edge-of Roads Bylaw Town Meeting Warrant Article Presentation**

The Planning Board are listed as the sponsor of this new bylaw warrant article #20. The Board discussed who will present the article at town meeting and whether someone from the Roads Commission ought to be present to support it. Planning Board members, Joan, Jim, Alan and Joe will attend in support and respond to any residents questions.



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Joe made a motion to close the meeting at 7:44PM. Alan 2<sup>nd</sup> the motion. – Motion passed unanimously. The next scheduled meeting is Monday, May 1, 2023 at 6:30pm.

Respectfully submitted,

Carol A. Rock  
Administrative Assistant  
Dunstable Planning Board

APPROVED