



**OFFICE OF THE
PLANNING BOARD**
TOWN HALL, 511 MAIN STREET
DUNSTABLE, MA 01827-1313
(978) 649-4514 FAX (978) 649-8893
<mailto:Planning@dunstable-ma.gov>

**Planning Board Minutes
Monday, October 16, 2023**

Approved: **November 6, 2023**

Vice Chair Joan Simmons at 6:32pm, called the meeting to order.
Members present: Alan Chaney, Joe VLcek and Jim Wilkie
Members absent: Jeff Pallis

Meeting held: At the Dunstable Town Hall, 511 Main Street, lower level

Meeting Minutes – October 2, 2023

Joe made a motion to approve the minutes of the October 2nd meeting. Alan 2nd the motion. – Motion passed unanimously.

Bills and Payroll

No Bills.

Alan made a motion to sign off on payroll. Joe 2nd the motion. – Motion passed unanimously.

Public Hearing: Special Permit, Site Review Backland Lot Development, Land Disturbance Tier II Permit– 75 Mill Street, *NDS, Inc- Jeff Hannaford for Daniel Akins*

Joan opened the hearing at 6:35pm and explained the hearing procedure and process. In attendance: Applicant Daniel Akins, property owner Archer Davis, Jr., plan designer Jeff Hannaford of Norse Design Services, Inc., Hoyle-Tanner Town Engineer, Dave Langlais and members of the public. The Clerk read aloud the legal notice of the Public Hearing printed twice in the Groton Herald.

The subject parcel contains 8.03 acres with 111' of frontage on Mill Street, assessor's map 11 block 49 lot 2, and is located in the R-1 Residential zone.

Jeff Hannaford represented the applicant and presented the Special Permit, Tier II Land Disturbance and Site Plan Review applications to create a backland lot and construct a



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single-family dwelling at 75 Mill Street. Jeff noted "Lot 2" was newly created via an ANR subdivision plan approved by the Planning Board in November of 2022. He displayed updated site plans of the property, dated October 12, 2023 based on initial feedback and requests for updates emailed from Town Engineer, Dave on October 12th.

The to-be developed rear portion of the lot, where the house and septic will be, is approximately 1000' off Mill Street and will disturb ~2 acres of land. The property has interior stone walls, which the applicant wishes to retain as much as possible and incorporated into their site and driveway design. An existing cart path will become the primary driveway, which is proposed to be paved near the house as well as near the Mill St. entrance with a portion to be gravel in between. The lot slopes gently up from the street with a 2-3% grade and a maximum ~5-7% driveway slope. The driveway design includes emergency turnarounds and storage for snow.

Stormwater off the roof will be handled by gutters, downspouts, and drywells for run-off infiltration. An infiltration trench for the driveway water runoff is currently designed to parallel the driveway area. An additional trench can be installed in a slightly lower spot near the Mill Street entrance. The applicant is requesting a condition of approval by the Board to allow the driveway change to be portion as gravel. Installation of as much of the infiltration trenching as available budget allows at the time of construction with supervision by the Town Engineer/Storm Water Agent conducting inspections. If the driveway were fully paved, the current design would be 60-70% oversized with infiltration trenching. The gravel drive allows for reduction of infiltration trench while still meeting stormwater standards.

Jeff's analysis of the contours of elevation close to the house on the eastern side indicates a ~15% slope. Given this ~25,000 sq. ft area gently sloping away, he has proposed a double row of controls during construction to minimize erosion.

Jeff had responded via email on Oct. 16th to Town Engineer Dave's Oct. 12th letter of review with comments. He revised the plan design as well as notes on the plan per Dave's requests accordingly. Since Dave's initial review there are no significant changes to the overall design plan except for the change to have a partial gravel driveway. Dave has reviewed the latest plan revision and issued follow-up comments on the day of the hearing surrounding relocation of snow storage areas to be outside of the well radii for #67 & #75 Mill Street. Additionally, he noted *"gravel driveways with a Rational Method runoff coefficient greater than 0.85 or a NRCS Method Curve Number greater than 85 as 'impervious surfaces'. Before deleting section of the infiltration trench, the Applicant will be required to provide calculations to support that the gravel in the drive is below these*



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limits.” In other words, the type of gravel used for the driveway determines “impervious” levels and will impact the need for infiltration trenches. He further added the “applicant is advised that additional observation ports are recommended for discontinuous segments of infiltration trench.”

The original application filing contained a Stormwater System Operation & Maintenance Plan and per Dave’s Oct. 12th comments, Jeff has provided additional details related to what the homeowner should do if the infiltration trench fails.

It is understood and a condition of the approval that the Town Engineer and Stormwater Agent will be visiting the site regularly during construction to perform inspections surrounding temporary erosion controls and permanent stormwater controls.

Planning Board Questions and Discussion:

The Board interjected their questions as Jeff’s presentation occurred.

Attendees Questions and Comments:

Alan Davis of Mill Street inquired about the infiltration trench appearing to run onto Mill Street. Jeff noted it fed onto the lower part of the property and the regulation for infiltration trenching is designed to handle the first 1” of a rainstorm. The trench feeds into the soil and it will eliminate the first inch of rainfall. It can handle more capacity, but depending on the intensity of rainfall, after that it will sheet flow. Some amount of excessive rain will leave the site. The use of pervious surfaces, such as the gravel driveway, will help but heavy intense rainstorms in short periods will create the potential for runoff down the street. He noted the trenching cannot mitigate all heavy rainwater runoff onto Mill Street.

Neighbor Lori Joyce of 67 Mill Street commented that water runoff has been diverted by Roads through creation of a berm on her driveway end, and it flows past and down onto the Flat Rock Conservation Area drive. Jeff shared that the owner’s obligation is to ‘not make it worse’ than currently occurring. Stormwater designs are based on pre and post construction. Excessive rainfall will continue to go where it goes now.



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Ms. Joyce inquired about the location of her well at 67 Mill and the Town Engineer's comments about the nearby snow repository area. Jeff noted that the plans will be updated to move the snow repository areas outside of the protected radius of her well and will be available with the final decision.

Kevin Tucker of 65 Mill Street inquired about the mitigation of water being pushed onto Mill Street or whether it will stay on the property. Jeff noted most of the water will be stopped, but excessive water will pool on the property before it breeches to wherever it goes now.

Lori Joyce noted a concern about the vibration from construction and the plan to use the old cart path for the driveway. Her antique home is susceptible to vibration, and they have big old trees whose roots likely run under the cart path.

Member Joe inquired if any blasting was anticipated for ledge. Jeff shared that test pits do not show ledge, and therefore no blasting is planned for construction.

Town Engineer of Hoyle-Tanner, David Langlais:

David Langlais had reviewed the application and plans provided against the Rules and Regulations Governing Site Plans in Dunstable, Massachusetts. Joan asked if he had further comments to add, and he responded no. His letters of feedback dated October 12th and October 16th, 2023, were available to all attendees as a handout.

Departments in Attendance/Letters Received:

No departments notified were in attendance to offer additional concerns or input. The Board of Health had responded noting the Septic System approval was pending. No letters were received regarding the application.

Joan read aloud and the Board voted on each of the Town Engineer recommendations to accept waivers as follows:

- Joe motioned to accept the Applicant's request for a waiver from noting all trees twelve inches (12") or greater on the plans, as required per Article III, Section



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3.04 Grading, Drainage, and Utilities, as those trees will remain as part of the natural wooded area of the lot.

- ✓ Jim seconded the motion. Motion passed unanimously.
- Joe motioned to accept the Applicant's request for a waiver from providing the full drainage calculations, required per Article III, section 3.03, in favor of instead complying with the requirements within the Town of Dunstable Stormwater Management and Illicit Discharge Regulations instead. The Engineer noted 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 seconded the motion. Jim opposed. Motion passed 3-1.
- Joe motioned to accept the Applicant's request for a waiver from placing all utility lines underground, as required per Article III, Section 3.04 Grading, Drainage, and Utilities, as roughly 550 linear feet of the approximate 865 linear feet of wires from the street to the house are proposed to be under ground.
 - ✓ Alan seconded the motion. Motion passed unanimously.
- Joe motioned to accept the Applicant's request for a waiver to provide a Landscaping plan as required by Article III, Section 3.04; with exception to require snow storage areas on the site plan.
 - ✓ Alan seconded the motion. Motion passed unanimously.
- Joe motioned to accept the Applicant's request for a waiver to provide a Lighting plan, as required per Article III, Section 3.04 Lighting, as there is no major lighting planned for the site other than what is typical for single family dwellings.
 - ✓ Alan seconded the motion. Motion passed unanimously.
- Joe motioned to accept the Applicant's request for a waiver from Article IV Design Standards, the Applicant is advised that the conditions of Section 4.02 Parking and



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Access shall apply as relevant to the access drive with regards to pavement, setbacks, sight distances, access points, and other items related to a single-family dwelling.

- ✓ Jim seconded the motion. Motion passed unanimously.

Regarding the Town of Dunstable, Massachusetts Stormwater Management and Illicit Discharge Regulations:

- Joe motioned to accept the Applicant's request for a waiver from strict compliance with Section 6.A.5.a and Section 7 with regards to the Stormwater Management Plan in favor of the simplified Stormwater Management Plan provided by way of the roof drywells and driveway infiltration trenches described and detailed within the application documents and plan.

- ✓ Jim seconded the motion. Motion passed unanimously.

- Joe motioned to accept the Applicant's request for a waiver from strict compliance with Section 6.A.5.b and Section 8 with regards to the Erosion and Sediment Control Plan in favor of the simplified Temporary Erosion Control Measures described within the application documents, with modifications as described in other comments.

- ✓ Jim seconded the motion. Motion passed unanimously.

- Joe motioned to accept the Applicant's request for a waiver from strict compliance with Section 6.A.5.c and Section 9 with regards to the Operations and Maintenance Plan in favor of the simplified Stormwater System Operation & Maintenance Plan described within the application documents, with modifications as described in other comments.

- ✓ Alan seconded the motion. Motion passed unanimously.

- ❖ Joe made a motion to close the Special Permit hearing for 75 Mill St at 7:42PM. Alan 2nd the motion. Motion passed unanimously.



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- ❖ Alan made a motion to grant the Special Permit for a Backland Lot, under Section 11.7 with noted waivers and conditions as discussed. Joe 2nd the motion.

Roll Call Vote:

- ❖ Alan Chaney-yes to approve, Joan Simmons- yes, to approve, Joe VLcek-yes to approve, Jim Wilkie-yes to approve,
 - ✓ Motion passed 4-0, unanimously.
- ❖ Alan made a motion to grant the Tier II Land Disturbance Permit. Joe 2nd the motion.
 - ✓ Motion passed 4-0, unanimously.

Public Hearing: Proposed amendment to "Zoning Bylaw of the Town of Dunstable" Town Center District, Additional Uses Permitted by Special Permit

Joan opened the hearing at ~7:46pm and explained the hearing procedure and process. The Clerk read aloud the legal notice of the Public Hearing printed twice in the Groton Herald.

In attendance: Hoyle-Tanner Town Engineer, Dave Langlais and members of the public.

Joe offered a bit of history on the Zoning Bylaws Section 22. "Town Center District" and the existing "C. Uses permitted by Special Permit" for any potential businesses within it. He noted the item C.7. which limited alcohol sales to "*Conversion of existing buildings for the on-premises consumption and retail sales of alcohol products brewed or fermented on site*". The Board realized that perhaps they'd been overly cautious to require alcohol sales within the TCD to be brewed/fermented on-site and such may not be feasible for most potential small businesses.

Joe shared the new additional bylaw use: "*8. Conversion of existing buildings for the sale of alcohol products for off premise consumption to be limited to one establishment in the TCD. The sale of nips (spirits sold in the volume or 2oz. or less), cigarettes, and lottery tickets are prohibited.*"



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The Planning Board was in support of this new additional use to allow one such establishment in the TCD for sales of specialty liquors, beer, and wine.

Joan asked the Board for any further comments to share with the Public in attendance. Alan noted that such zoning changes, favored by the Board or not, were required to offer a Public Hearing for input and feedback. He also noted that a particular inquiry from an owner and site within the TCD had initiated this additional use definition by the Board. Joe further added that this amendment would be voted upon at the upcoming Nov. 13th Town Meeting and would require a 2/3 majority of voters to be adopted.

Joan asked the attending public if there were any questions or comments.

Gail Brown of 524 Groton Street asked about how far the district went down Pleasant Street. Joe shared that it does not go as far as the Rose of Sharon flower shop nor Post Office, and member Jim noted the district on Pleasant Street only goes as far as Pond Street. It was further noted that the white signage near the Center was for the Historic District vs. this TCD.

With no additional questions posed by the public, Joe made a motion to close the hearing at 7:52pm and Alan seconded. The motion carried unanimously.

Joe made a motion for the Planning Board to recommend presenting the amendment forward to the Town Meeting. Alan seconded.

Roll Call Vote:

- ❖ Alan Chaney - yes, to move forward, Joan Simmons - yes, to move forward, Joe Vlcek - yes, to move forward, Jim Wilkie - yes, to move forward
- ✓ Motion passed 4-0, unanimously.

Public Hearing Continuation: Special Permit, Site Review Ground Mounted Solar Array, 116 Thorndike St., James Russell

The Public Hearing continuation was opened at 7:56pm.



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Alan noted the Oct. 4th site visit with the owner, Mr. Russell, at his property was attended by himself, Joan, Jeff, and Joe.

Joan noted the proposed location of the ground mounted solar array at the front of the lot was secluded. Her only concern was she felt it was likely to be seen by abutters during wintertime when the leaf foliage was missing. The closest neighbors seem to be out of the way and unlikely they'd see the array, even with the leaves off the tree.

There were no comments from the public in attendance upon Joan's inquiry for such.

Joan did note that one condition of approval discussed with the owner was surrounding screening being added. She noted the bylaw calls for screening a ground-mounted array placed on the front portion of a property. If for some reason a neighbor did cite an issue, Mr. Russell agreed that at such a time of receipt of feedback, he'd add such screening.

With no additional questions posed by those in attendance, Joe made a motion to close the hearing at 8PM. Alan seconded the motion. – Motion passed unanimously.

Alan made a motion to approve the Site Review application for a Special Permit to install a ground-mounted solar array at 116 Thorndike Street, with waivers approved at the Oct. 2nd meeting as well as a condition of approval surrounding screening. Joe seconded the motion.

Roll Call Vote:

- ❖ Alan Chaney – yes, to approve, Joan Simmons - yes, to approve, Joe Vlcek – yes, to approve, Jim Wilkie – yes, to approve
- ✓ Motion passed 4-0, unanimously.

Approval Not Required, 532 & 542 Groton Street, GPR Inc.,/Lisa & Richard Towle

The ANR application was submitted to the Planning Board on September 21st. An "Agreement to Extend Time for Review and to Take Final Action on the ANR Plan" until October 16th was signed by Bruce on behalf of the owners.



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GPR Inc.'s Bruce Ringwall presented the ANR on behalf of the applicants who were also in attendance, Lisa and Richard Towle.

Referring to the plans handed out to all members, Bruce noted the locus map on the left to understand the location of the 542 and 532 Groton St. properties involved. He shared that the goal of the ANR was to make a second lot for the 542 property. The Towle's will be selling their existing home and property "Lot 2" to their son and building a new house on the "Lot 1" for themselves. To do so, they needed some additional property which was being transferred from the Towle's parents, the Ekengren's of 532 Groton Street. The Ekengren's existing property is already a non-conforming lot, with 195' frontage and a pinch point of ~30'. They've taken a portion of the existing 542 lot, "Parcel B" and the 532 lot, "Parcel A" to add to the lot acreage for creation of a buildable house "Lot 1". This new lot will have ~272' frontage and 3.37+/- acres.

They are proposing to divide the 542 Groton property of the Towle's to create both a new frontage lot, ("Lot 1") and a backland lot ("Lot 2"). Lot 2, which has been applied to the Board for a Special Permit to create a backland lot will retain the existing home, garage, and septic with 72' frontage and ~6.63 total acres.

Bruce referred to the email of feedback comments provided by Town Engineer, David Langlais, dated October 13th with a few requests for changes and clarifications.

It was noted that the ANR application was not signed by the owners. Bruce shared that the original submission had included 2 separate letters from the Towle's and the Ekengren's authorizing Bruce/GPR. Inc. to act on their behalf as their agent.

It was noted neither copy was stamped and signed by the Town Clerk and Planning Board. The delivery had occurred while the Administrator was away on vacation and the Town Clerk had stamped the Letter of Transmittal submitted with the applications.

The Town Engineer had also noted that the application and note 6 on the plans were unclear in stating the conveyance of land. Bruce noted they'd update the application and plans accordingly.

Town Engineer had commented in his Oct. 13th email that *"The areas included in the 'upland area' calculations appear to include land within the digitized flood zone, which on the plan is reflected as Zone AE, but in the most recent FEMA map is reflected as*



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Zone A. These areas should be revised, or a third calculation should be made that removes this area which is deemed "Land Unsuitable for Development" as noted in Section 11.7.1.d, 11.7.1.h, and 20.13.b of the Town of Dunstable Zoning Bylaws."

Bruce shared that the backland lot does offer a note of reference, but he'll offer further clarification on a new edition of the plans to be submitted and represented.

Town Engineer had further noted the inverse calculations were not dated and stamped by a MA PLS. Bruce apologized and shared that Dave DeBay, the PLS engineer, thought such would be provided upon the Board's final approval of the ANR plan. He will provide a new submission of the calculations with Dave's stamp included via email to the Administrator tomorrow.

Bruce offered a final comment on the Town Engineer's additional general comments via the email around the conveyance of land to create Lot 1 and why a Zoning Board of Appeal variances was not pursued instead. He noted that the Special Permit for a backland lot was outstanding seeking the Board's approval and variances from the ZBA were typically responded to negatively. Additionally, the property owners have both the necessary land area and frontage to create the three new-sized lots and divide the properties in the manner they prefer. They wish to avoid ZBA variances, and this approach gets them to the desired outcome.

Jim asked about the proposed access and use easement. Bruce noted the current driveway would be used by both Lot 1 and Lot 2 owners to access the barn. Dave asked if it would be a shared use driveway and Bruce noted a portion would be shared use, but an easement was created in case of a future sale of the Lot 2 backland lot property. Bruce noted that easements were not required with the ANR but for the attorney's sake he'd combined onto this one single plan.

Attending neighbor Gail Brown made an inquiry about whether a new driveway on Groton Street would be added. Bruce said there would be no new driveway, but rather the existing driveway for 542 would be shared by both Lot 1 and the proposed backland lot 2. She's concerned about having a new single-family home and wondered why, as an abutter, she had not been notified of this meeting. The Administrator noted that this Approval Not Required did not require any formal notification to the abutters. However, the pending Special Permit for a Backland Lot creation would generate a Public Hearing notice to all abutters. The notification mailing to abutters for the upcoming Nov. 6th SP Public Hearing would be mailed out at least 7 days prior to the scheduled hearing.



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Gail went on to express concerns about a new house, potentially against her lot lines and outside her bedroom window. She's been in town for 47 years and moved to Dunstable for the rural nature of the surroundings.

Applicant Lisa Towle offered to host Gail at any time to share their plans to build a new home and hopefully assuage her concerns. She further explained her family's history on Groton Street and plans for the site if the Board approves the Special Permit during the upcoming Public Hearing. Gail was encouraged to attend the Nov. 6th Public Hearing to ask any additional questions and cite her concerns about the backland lot creation.

Bruce noted he'd be making the required changes to the ANR plans and he'd forward updates for David's additional review and comments. He requested an additional extension for the Board's review of the ANR until the next meeting on November 6th.

- ❖ Joe made a motion to agree to extend the time to review and take final action on the ANR plan for 532 & 542 Groton Street until Nov. 6th. Alan seconded the motion. Motion carried unanimously.

Bruce, Lisa Towle and the Planning Board members present all signed the Agreement to Extend.

Joe made a motion to close the meeting at 8:43pm. Alan seconded the motion. – Motion passed unanimously.

The next scheduled meeting is Monday, November 6, 2023 at 6:30pm.

Respectfully submitted,

Carol A. Rock
Administrative Assistant Dunstable Planning Board