



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, February 11, 2019

Approved: March 18, 2019

Chairman Josh Kelly at 7:30pm, called the meeting to order.

Members present: George Basbanes, Henry Fontaine and Joe VLcek

Member absent: Joan Simmons

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

ANR – 529 and 553 Main Street – Daniel St. Jean

Mr. St. Jean attended the meeting to present an ANR for endorsement. He explained that he was purchasing 28,430 square feet from his neighbor's estate (529 Main Street). Town Engineer Jeff Rider reviewed the ANR and Form A, and recommended endorsement. George made a motion to sign the plan. Joe 2nd the motion. – Motion passed unanimously.

Plan approved: Plan of Land in Dunstable, MA for Daniel M. St. Jean & Barbara A. St. Jean dated January 2019 by David E. Ross Associates, Inc. Job No. 31391, Plan No. L-13702.

Question on Extending Special Permit for Thorndike Street – Rosemarie Russell

The Russell's sent a letter (dated 2/7/19) to the Planning Board regarding their Special Permit filed at the Registry of Deeds on September 19, 2016. The permit granted by the Board in January of 2016, for 112 and 116 Thorndike Street, allowed for an existing house on a newly created backland lot (5A) and building on backland lot 4A. The Russell's asked to renew their approved permit. Their recorded permit states: "**Limitation on Grants: Extensions: If an application is granted by the Board, construction or use shall commence within eighteen (18) months from the date of filing of the Board's decision in the office of the Town Clerk unless good cause is shown by the applicant. If construction or use does not start within said 18 months and an extension is not granted by the Board, the approval shall expire, provided that, if the Special Permit pertains to authorization of a specific lot status, e.g., Backland Lot, recording of the plan and Notice of this decision shall constitute sufficient use to preclude expiration of the Special Permit.**" The Administrative Assistant, on behalf of the Board, sought Town Counsel's opinion on whether the Russell's could, or even needed to extend their Permit. In an email on February 8, 2019, Attorney Falk said,

"I believe the recording of the plan authorized by the special permit qualifies as "substantial use" of the special permit under M.G.L. c. 40A, Sec. 9 and Section 18.3 of the Zoning Bylaw. The special permit authorized the creation of the lots as shown on the submitted plan, and that plan was later recorded. The special permit did not authorize a specific use of land or specific structure that would be subject to an 18-month commencement period under the Zoning Bylaw. The specific "Extensions" language in the special permit confirms this status.



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I do not believe the Planning Board needs to take any action. The special permit is not lapsed; it was effectively exercised by the Russells. However, under Section 11.7 of the Zoning Bylaw, a building permit may not issue until the Russells comply with the conditions of the special permit, namely the permanent CR."

The Board told Ms. Russell that they concurred with Attorney Falk.

Meeting Minutes – February 4, 2019

George made a motion to approve the minutes of the February 4, 2019 meeting, as submitted. Joe 2nd the motion. – Motion passed unanimously.

Bills and Payroll

The Chair signed the one 53G invoice for Chapman Street.

Additional Topics Discussed Not Noted on the Agenda

Motion made, seconded and passed to close the meeting at 7:47pm. The next meeting of the Planning Board will be held on Monday, March 4, 2019.

Respectfully submitted,

Cheryl A. Mann
Administrative Assistant
Dunstable Planning Board