



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**  
**Tuesday, September 21, 2021**

Approved: October 4, 2021

Chair Joe VLcek at 6:31pm, called the meeting to order.

Members present: Joan Simmons, Jeff Pallis and George Basbanes

Member absent: Jim Wilkie

Temporary Town Engineer Jeff Rider

Also in attendance: Kieran Meehan, Michael Martin, Alan Chaney, Jen Spencer, Jim Down and Tim Juszczak

**Question from Pleasant Hill Growers on Administrative Approval-Special Permit**

Sarah Macneil from Pleasant Hill Growers attended. She told members that she was getting ready to start her project (marijuana cultivation). She said that the Board approved the 56'x120' building in late 2019. Since then she discovered that in order to have enough support equipment for the plants, she would need to increase the building to 62'x120', a difference of six feet. She discussed the change with temporary Town Engineer Jeff Rider who suggested she request an Administrative Approval from the Planning Board. The Board asked Mr. Rider for his thoughts. Mr. Rider reviewed the original project and said that the change is minimal (10.7% building increase), and suggested the Board approve the request to allow for the additional width. George made a motion to approve the increase the building size to 62'x120'. Joan 2<sup>nd</sup> the motion. –Motion passed unanimously. George-yes to approve, Joan-yes to approve, Jeff-yes to approve and Joe-yes to approve. Special Permit-filed at the North Middlesex Registry of Deeds Book 33728, page 286. In making this decision, the Board felt that the increase in building size does not constitute a "reversal of a conscious decision"...does not grant relief different from that originally sought, and does not change the result of the original decision..."

**Approval of Meeting Minutes of September 7, 2021**

Jeff made a motion to approve, as submitted, the minutes from the September 7, 2021 meeting. Joan 2<sup>nd</sup> the motion. – Motion passed unanimously.

**Bills/Payroll**

No bills. Payroll signed.

**Special Permit Hearing Backland Lot/ANR Approval– 160 Westford St–Gateway Homes**

ANR – Sam Ingram from Meridian Land Services, Inc. attended. He said that the Westford Street parcel is 26.6 acres subdivided into five lots, one of which holds the historic "Biron" home. Mr. Ingram said that the home may be sold "as is" or the developer may make improvements to the home before selling it. All lots have frontage on Westford Street, with one lot classified as a backland lot. Mr. Ingram said that he had been before the Conservation Commission with an



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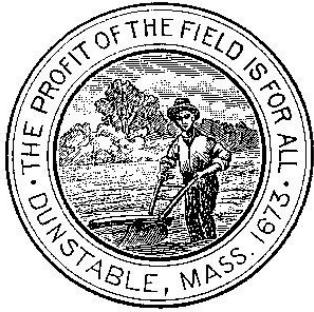
Abbreviated Notice of Resource Area Delineation (ANRAD) and walked the site with Conservation members. All building will be out of the 100' buffer zone. While reviewing the plan, the Board noticed that the driveway on the adjacent property encroached onto the parcel. Although a possible civil issue, not a Planning Board issue, the Board wanted to make the applicant aware. They were already aware from the survey. The Board reviewed temporary Town Engineer Jeff Rider's comments from his letter dated August 27, 2021. Mr. Rider said that Mr. Ingram addressed all his remarks. Jeff made a motion to endorse the ANR plan. George 2<sup>nd</sup> the motion. – Motion passed unanimously. Plan approved: Approval Not Required Subdivision Plan Land of: Ross V. Deachman trustee of Christine Biron 1989 Trust and Joel Biron 1989 Trust prepared for Gateway Homes, LLC, Tax Map 18-2-0 – 160 Westford Street, by Meridian Land Services, Inc. dated August 9, 2021 with a revision date of August 19, 2021.

Special Permit – Joe VLcek opened the hearing at 7:07pm. The Administrative Assistant read the hearing notice. Mr. Ingram explained that the ANR the Board just approved created a 7.298-acre backland lot that requires Special Permit approval in order to build a home. The lot has the necessary acreage and frontage on Westford Street. The Board reviewed the comments from Jeff Rider's September 15, 2021 letter. They asked Mr. Ingram how he plans to handle water runoff from the lot as it cannot flow into the road or neighboring properties. Mr. Ingram explained that drainage would run into a stone infiltration trench. Members went through the request for seven waivers:

1. Dunstable Rules and Regulations Governing Site Plans, Article III. Section 3.03 – Drainage Calculations.
2. Dunstable Rules and Regulations Governing Site Plans, Article III. Section 3.04 – Grading, Drainage, and Utilities "location of trees 12" or greater in size".
3. Dunstable Rules and Regulations Governing Site Plans, Article III, Section 3.04 - Landscaping.
4. Dunstable Rules and Regulations Governing Site Plans, Article III. Section 3.04 – Locus.
5. Dunstable Rules and Regulations Governing Site Plans, Article III, Section 3.04 - Lighting.
6. Dunstable Rules and Regulations Governing Site Plans, Article III, Section 3.07 – Miscellaneous Information
7. Dunstable Rules and Regulations Governing Site Plans, Article IV, Design Standards.

After the discussion on waivers, George made a motion to approve all seven (7). Jeff 2<sup>nd</sup> the motion. – Motion passed unanimously. George-yes to approve waivers, Jeff-yes to approve waivers, Joan-yes to approve waivers, and Joe-yes to approve waivers. George then made a motion to close the hearing at 7:31pm. Joan 2<sup>nd</sup> the motion. – Motion passed unanimously. George made a motion to approve the Special Permit to build upon the backland lot with approved waivers and the following findings and determinations:

1. Above-mentioned lot met all the provisions listed in the Zoning Bylaw, Section 11.7 for a backland lot including dimensional, area, and frontage and yard requirements.



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2. The proposed construction or use is consistent with the general purposes of the Zoning Bylaw. The application and plan meet the criteria to build a single-family residence on a 7.298-acre backland lot.
3. The proposed construction or use will not impair the integrity of the district and adjoining districts. The construction of the home is in the R-1 residential district in which there are other residential homes.
4. The proposed construction or use will not be detrimental to the health and welfare of the occupants and users thereof, and citizens of the Town based upon the conditions of approval set for below. The applicant will build a single-family home on the premises.
5. The proposed construction or use will not be detrimental to the value of nearby property based upon the conditions of approval set for below. The lot will contain a single-family dwelling on over the required five (5) acres.
6. The Board determined that the application and the Plans comply with the Design Criteria set forth in Section 11.7 Backland Lot Requirement of the Zoning Bylaw.

Jeff 2<sup>nd</sup> the motion. Motion passed unanimously. George-yes to approve Special Permit, Jeff-yes to approve Special Permit, Joan-yes to approve Special Permit and Joe-yes to approve Special Permit.

Plan approved: Special Permit Plan Land of Ross V. Deachman trustee of Christine Biron 1989 Trust and Joel Biron 1989 Trust prepared for Gateway Homes, LLC, Tax Map 18, Lot 2 – 160 Westford Street by Meridian Land Services, Inc. – dated: August 20, 2021 with a revision date of September 13, 2021.

**Preliminary Plan Discussion – River Street – Hughes/Coljack Dev.**

Attorney Philip Schreffler (Finneran & Nicholson) and Matt Hamor (Landplex) attended to discuss the preliminary plans dated September 9, 2021. Attorney Schreffler stated that 0 River Street is approximately 90-acres, located across from Chapman Street. Mr. Hamor presented two plans, a yield plan and a cluster plan. The yield plan shows eleven 2-acre lots with 200-feet of frontage on "Coljack Way". 64-acres would remain as open space. In the cluster plan, the eleven lots are 1-acre with 100' of frontage on "Coljack Way", leaving 76-acres as open space. The applicant is interested in building the cluster development. Norse Environmental will delineate the wetlands. The applicant is working with Goddard Consultants on Natural Heritage concerns (Wood and Blanding's turtles). The proposed cluster cul-de-sac will be 850-feet in length and serve all eleven lots. The applicant is intending a country-style drainage system (low impact development). Drainage from the road will flow into a drainage basin on the property. Natural Heritage is in general agreement with the proposed cluster plan. The applicant will request waivers for the length of the cul-de-sac (600' to 850') and number of house lots (6 to 11). The Zoning Bylaw section 6.6.2(C) states, "...*In making the determination of the number of allowable lots, the board shall require that the applicant provide evidence, satisfactory to the board, that the number of lots shown on the proposed open space development plan is no greater than the number of lots that could otherwise be developed...*" Members feel that the applicant has not shown a proper yield plan since the road shown is a loop with one entrance over 2,000'. The Board felt the applicant



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did not follow the Rules and Regulations for Subdivisions, Section IV. Design Standards (A) (5) for dead end streets. The applicant believes that the yield plan does meet the town's regulations stating that the single entrance is approximately 300' and then branches off into "two roads". The Board disagreed. They would like to get the opinion of Town Counsel Brian Falk. The Chair asked if the Administrative Assistant received any input from other departments. She said, "Yes". The Board of Health agent Bridgette Braley reminded the applicant to go through the proper testing for septic. The Conservation Commission would like the applicant to flag the wetlands in the field and file an Abbreviated Notice of Resource Area Delineation (ANRAD). They also suggest that the Planning Board request a full perimeter survey of the property boundaries. The Board reviewed temporary Town Engineer Jeff Rider's comments from his letter dated September 10, 2021.

Before making any decisions, the Board would like to hear from Attorney Falk regarding the yield plan. In the meantime, the applicant agreed to redesign the subdivision to prove that they can get two entrances and at least eleven lots. The applicant agreed to continue the discussion to Monday, October 4 at 6:30pm.

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

None

George made a motion to close the meeting at 8:15pm. Jeff 2<sup>nd</sup> the motion. – Motion passed unanimously. The next scheduled meeting will be on Monday, October 4, 2021 at 6:30pm.

Respectfully submitted,

Cheryl A. Mann  
Administrative Assistant  
Dunstable Planning Board