



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, July 18, 2022

Approved: August 1, 2022

Chair Jeff Pallis at 6:30pm, called the meeting to order.

Members present: Joan Simmons, Joe VLcek, Jim Wilkie and Alan Chaney

Town Engineer: David Langlais

Definitive Subdivision/Special Permit Hearings for an Open Space Development –
Attorney Douglas Deschenes/Coljack Development – 11 homes off River St

Jeff opened the hearing at 6:30pm. In attendance: Attorney Douglas Deschenes, Attorney Colleen Hayes, Tim Juszczak (Coljack Development) and Matt Hamor (LandPlex Civil Engineering). The Administrative Assistant read the legal notice printed in the Lowell Sun.

Attorney Deschenes described the project as an 86.5-acre parcel consisting of wetland, riverfront and uplands. He said they have an approved Order of Resource Area Delineation from the Conservation Commission, defining the wetland boundaries. There are 52.06 acres of upland and 34.44 of wetlands. The proposed project will disturb 14 acres, leaving 72.5 acres of Open Space. At the suggestion of the Conservation Commission, the plan is to deed the Open Space to Fish & Wildlife. Attorney Deschenes told members that the property is located in the ACEC and endangered habitat to the Blanding's Turtles. They have been working with Natural Heritage, who has agreed to issue a Conservation Management Permit for the project, as proposed. The project received Preliminary Subdivision approval from the Planning Board in 2021. The plan is to provide one Affordable Housing unit and payment to the Town's Affordable Housing Trust Fund for the remaining five houses. Country drainage is suggested which includes two drainage areas, one abutting lot 1 and the other between lots 6 and 7. The Homeowners Association will maintain the drainage parcels, in perpetuity. Deep pit soil tests were completed. Soils are sandy. The project is proposed as a Town accepted road.

Town Engineer David Langlais' Review Letter Dated July 15, 2022

Rules and Regulations Governing Site Plans

Section 3.02 Narrative – has not been received (applicant has requested a waiver)

General Bylaw

Applicant should resubmit the Land Disturbance permit specifying it is a Tier II application per Section 5.2.B of the Stormwater Management and Erosion Control Bylaw - David said this has been done

Zoning Bylaw

Applicant should confirm that the Open Space is being conveyed to Fish & Wildlife per Section 6.6.3.H – David said this has been done



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Rules and Regulations Governing the Subdivision of Land

- 1 & 2, 4 & 5, 7, 9-11 were waiver comments
3. Applicant should coordinate with the Town of Dunstable regarding the setting of iron rods along back line of properties adjacent to the Open Space per Section III.B.2.a.12 – will be a condition of approval
6. Applicant should discuss the amount of construction equipment to be on-site and hours of construction with the Planning Board per Section III.B.2.g. – will be outlined in the decision
8. Applicant should provide a drainage profile representing the minimum and maximum flow condition of a typical driveway pipe culvert per Section IV.B.1.a. – David said this has not been received

Mass Stormwater Management and Illicit Discharge Regulations

1. The Applicant should state on the Plans that all lawns will be grassed and specify the topsoil make-up and thickness, in order to achieve the modeled surface vegetation for the post condition watershed, per Section 7.D.3.d.i – engineer will put on the plan
2. The Applicant should provide more specific language with regards to the Operation & Maintenance needs of the permanent stormwater BMPs within the Homeowner's Association Declaration of Trust – David said this has been done

Planning Board Questions and Discussion

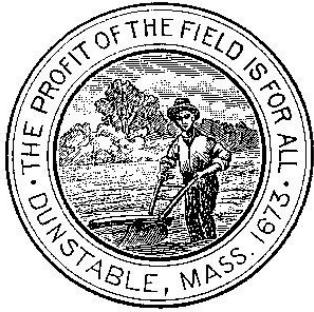
Open Space Access: Mr. Hamor said that the plan shows a 30-foot wide area on River Street for cars to park and access the Open Space. A sign posted near the entrance will define the open space. Parking off River Street is preferred over using the cul-de-sac, which would require an easement over the drainage parcel. In addition, homeowners on Unkety Way will not want to deal with the hassle of cars parking in front of their homes.

Materials on Property – the developer will clean up junk such as old farming materials on the Open Space property.

Leaching Fields – will be elevated in front of houses and tied into the swale system. The elevation will be 2-3 feet near River Street with 3-5 feet near the cul-de-sac.

Alan asked about having sidewalks in a Low Impact Development. – Mr. Hamor said that sidewalks would impede water from flowing into the swales. He also brought up that staggering homes a bit would look better in the development.

Joan asked if there is a plan to design an entrance to the subdivision. Mr. Juszczak said "no". The Board agreed with that decision.



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Departments in Attendance/Letters Received

Road Commissioner Mike Martin asked if the new road would be higher or lower than River Street. Mr. Hamor said "lower". He also asked about the cul-de-sac and if school busses will be able to turn around (not having to back them up). Matt said "yes".

Cistern – Although no one from the Fire Department attended, the Cistern came up. Mr. Hamor said that the cistern would be compliant.

Board of Health Comment – "Testing for septic has been done but no permits have been issued to date." "Well regulations changed in March 2022 – wells must be 50' from property lines".

Conservation Commission Comment – No wetland issues as submitted.

Attendees Questions

Fish & Wildlife – Anne Gagnon

Anne brought up that there are areas on the plan that do not show iron pins showing the corners of the Open Space Parcel C. Mr. Hamor will add the missing pin locations.

Parking lot – The developer agreed to create a parking lot capable of holding three cars. If a kiosk is proposed, it should be coordinated with MDFW. Attorney Deschenes will provide a design spec for review by Anne. A site visit will be planned once the project has started to connect the entrance of Open Space to the existing trail on the property. She would also like to see the HOA document state that residents cannot interfere with the elevation of the lots/open space.

Ms. Geldart – 234 River Street - Ms. Geldart asked about the hours of operation. Attorney Deschenes said for outdoor work it will be 7am-5pm Monday through Saturday. No Sundays.

Requested Waivers – all supported by Town Engineer except #8

1. Section III.B.1.F – 'Expected Impact on Construction Costs' – waiver requested since any impact on construction cost are related to open drainage system design and no sidewalk, both of which were expressed by the town to be preferred.
Alan made a motion to grant the waiver. Joe 2nd the motion. – Motion passed unanimously.
2. Section III.B.2.E – 'Cut/Fill Calculations' – waiver requested as no sub-surface material will be removed from the site. Alan made a motion to grant the waiver. Joe 2nd the motion. – Motion passed unanimously.
3. Section IV.A.3. – 'Street Cross Section (two 5-foot sidewalks)' – waiver requested due to limited number of homes within the subdivision and the "quiet nature of the proposed roadway, there is very little need or justification. Additionally, the open drainage system does not support sidewalks. Joe made a motion to grant the waiver. Alan 2nd the motion. – Motion passed unanimously.



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4. Section IV.A.5.(A) – 'Dead-End Streets (serve no more than six (6) lots and maximum 600 feet' – waiver requested as proposed Open Space Development would serve eleven (11) lots and have a length of seven hundred seventy-five (775) feet. Alan made a motion to grant the waiver. Joe 2nd the motion. – Motion passed unanimously.
5. Section V.A.1. 'Borings – every 100 feet along roadway' – waiver requested as forty-eight (48) test holes were conducted throughout the project and surrounding the roadway with consistent sand soil conditions within each test hole. After discussion, Road Commissioner Mike Martin supported the waiver. Joe made a motion to grant the waiver. Alan 2nd the motion. – Motion passed unanimously.
6. Section V.A.6 'Curbing on both sides of street' – waiver requested since open drainage system proposed with roadway swales. Joe made a motion to grant the waiver. Alan 2nd the motion. – Motion passed unanimously.
7. Section III.B.1.h. 'Traffic Study' – waiver requested due to minimal size of the proposed subdivision and current level of service on River Street. Alan made a motion to grant the waiver. Joe 2nd the motion. – Motion passed unanimously.
8. Section 3.02 – 'Narrative' – Joan expressed that the applicant should provide a narrative for the subdivision. Joe made a motion to grant the waiver. Alan 2nd the motion. – Section 3.02 waiver denied 3-2 (Joan, Jim and Jeff against).

Joe made a motion to close the Definitive Subdivision and Special Permit hearings for 0 River Street – Map 2, Lot 4 – Coljack Development. Alan 2nd the motion. – Motion passed unanimously.

Joe made a motion to approve the request for a Special Permit under Section 6.6 of the Town of Dunstable Zoning Bylaw for an Open Space Development. Alan 2nd the motion. – Motion passed unanimously. Joan-yes to approve, Jim-yes to approve, Alan-yes to approve, Joe-yes to approve, Jeff-yes to approve.

Alan made a motion to approve the Open Space Definitive Subdivision Plan Set – Unkety Brook Way - 0 River Street, Dunstable, Massachusetts – for Coljack Development - plan prepared by LandPlex Civil Engineering–Surveying, dated March 4, 2022 with the latest revision date of July 1, 2022 for eleven homes with approved waivers and conditions discussed at the meeting. Jim 2nd the motion. – Motion passed unanimously. Joan-yes to approve, Jim-yes to approve, Alan-yes to approve, Joe-yes to approve, Jeff-yes to approve.

Special Permit Hearing– Section 22.C.3. Town Center District - Piscatelli – 493 Main St.

Jeff opened the hearing at 7:58pm. In attendance: Applicant David Piscatelli and Engineer Doug Lees. The Administrative Assistant read the legal notice printed in the Groton Herald. Mr. Lees stated that the original intent was to convert the existing barn into commercial space and two apartments; however, due to the condition of the barn, plans changed. Building Inspector Dana



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Barnes determined that the structure was unsafe. In addition, Mr. Piscatelli presented additional letters from a registered architect and engineer stating the same.

The new plan is to raze the barn and build a new barn structure in the same footprint (flipped) as the existing structure. The structure flipped at the suggestion of the Planning Board due to the Historical Commission's need for the front of the structure to look like a barn. Mr. Piscatelli presented a sketch of what the barn could look like. The "bump" at the front of the existing barn will relocate to the rear of the new building.

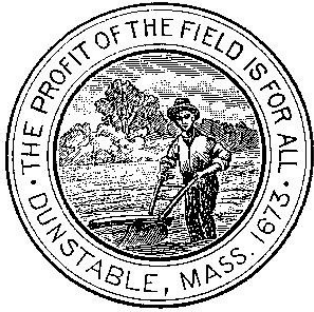
The two apartments will be approximately 1,800 square feet each. Carol Bacon said that accessory buildings are to be a maximum of 1,200 square feet. Mr. Lees said that this is not an accessory building. It is a use in the Town Center District under Section 22.C.3. The two apartments in the building in front of the barn are over 1,800 square feet each.

Ms. Bacon asked about building materials. Mr. Piscatelli said the siding would be cedar clapboard, appropriate windows and asphalt roofing. He said he would be happy to get the Historical Commission's input on the colors of the building and trim. The barn doors are decorative, not functional.

Catherine Irzyk's concern was with the proposed height of the new building, saying that the bylaw states the building is supposed to be in the same footprint as the existing structure. Ms. Bacon said that the barn is currently 25' high. Mr. Piscatelli said that state building code allows 36' to the mean of the roof and the 25' mentioned is from the front of the barn, not the sides/back, which is more like 36'. Town Engineer David Langlais said that the bylaw talks about footprint, not height.

Much discussion took place regarding the commercial space size, location, businesses the space would attract, and the interpretation of first floor versus basement. Attorney Falk in an email dated May 5, 2022 said, *"The Planning Board may interpret the Zoning Bylaw when issuing a special permit decision. In the event of an appeal, courts give deference to municipal officials when interpreting their own bylaw, so long as that is reasonable. Please note that the building inspector is also charged with interpreting the zoning bylaw, and it would be a good idea for the Board to consult with the building inspector as he will ultimately issue a building permit for the project."* Building Inspector Dana Barnes stated in an email dated May 16, 2022 *"after reading the bylaw, I agree with you that the section of the bylaw states that the first floor must be commercial space, but does not require how much of that space is to be commercial, I presume leaving it up to the granting authority to make that determination."*

Joe said that Mr. Piscatelli has done a great job with the renovation of the house/grounds and believes he will continue to do so for the barn structure. He went on to say lack of housing for young couples and empty nesters came up a lot at the Master Plan Committee meetings he



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attended. These apartments will benefit residents that cannot afford to purchase a home in Dunstable.

Jeff asked each member for his or her thoughts.

Alan – would like to see the basement used for parking, 1st floor bump-out for business, 1st and 2nd floors for apartments and make the structure look like it belongs in the Town Center including taking into consideration the opinion of the Historical Commission with regard to paint colors and materials used on the exterior of the barn structure.

Jim – likes what Mr. Piscatelli has done with the proposed structure and supports the 300-square foot bump-out for office space.

Joan – said that the purpose of the bylaw was to preserve old barn structures and encourage commercial use. She said that this barn is one of the few buildings in Town Center that could house a tavern or restaurant, as there is plenty of parking. She wants to see the entire 2,000 square foot first floor commercial space, and does not want the building taller than what exists.

Jeff and Joe – disagreed; saying having 2,000 square feet of commercial space would mean a parking lot for 16+ cars, which would not be right for the center of town. Neighbors to the project Anne Fennochetti and Cheryl Sargent agreed. They said that Mr. Piscatelli's property is well maintained and they do not want to see a 2,000' commercial space with parking.

Requested Waivers – all supported by Town Engineer

1. Section 3.04 Plans, Lighting. – Waiver requested as proposed light fixtures will be residential type and set back from abutting property, a detail provided on the Landscape Plan. Joe made a motion to grant the waiver. Alan 2nd the motion. – Motion passed unanimously.
2. Section 4.02 Parking and Access
 - a. Requires bituminous curbing in parking areas – waiver requested as improvements to the property are primarily in the residential nature, stormwater runoff is proposed to sheet off the paved areas into a stormwater pond. Joe made a motion to grant the waiver. Alan 2nd the motion. – Motion passed unanimously.
 - b. Requires a minimum 24 ft. isle width for a parking space with a 90-degree parking angle. – waiver requested as proposal provides a minimum 14 ft. wide isle/driveway throughout the improved portion of the lot, allowing the property to maintain its residential nature. Joe made a motion to grant the waiver. Alan 2nd the motion. – Motion passed unanimously.
 - c. Requires paved sidewalks a minimum of four feet in width to be provided along the site frontage. – waiver requested. Alan made a motion to grant the waiver. Joe 2nd the motion. – Motion passed unanimously.



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- d. Requires a sidewalk system at the building and parking areas. – waiver requested as the improvements are residential in nature and will only see local resident traffic. Joe made a motion to grant the waiver. Alan 2nd the motion. – Motion passed unanimously.
3. Section 4.03 Landscaping – Waiver requested as barn currently does not maintain a front landscape strip of any size. A 2.5 ft. landscape strip is proposed. Joe made a motion to grant the waiver. Alan 2nd the motion. – Motion passed unanimously.

Alan made a motion to close the Special Permit hearing for 493 Main Street. Joe 2nd the motion. – Motion passed unanimously.

Joe made a motion to approve the request for a Special Permit under Section 22.C.3 – Town Center District to build a barn structure in the same footprint (flipped) as the existing barn with approved waivers and conditions, including a 4-bay garage in basement, 300-square foot bump-out at the rear of the barn structure (same level as 1st floor) for commercial space, and two apartments on floors 1 and 2 and a 14-foot wide driveway. Jim 2nd the motion. – Motion passed 4-1. Jim Wilkie-yes to approve, Alan Chaney-yes to approve, Joe VLcek-yes to approve, Jeff Pallis-yes to approve, Joan Simmons-no, deny

Site Improvement Plan: #493 Main Street Dunstable, Massachusetts – prepared for David Piscatelli – by Land Engineering & Environmental Services, Inc. – dated February 18, 2022.

Stormwater Management & Erosion Plan – 493 Main Street Dunstable, Massachusetts – Assessor's Map 17, Parcel 131 – prepared for David Piscatelli – by Land Engineering & Environmental Services, Inc. – dated February 18, 2022

Road Commissioner Mike Martin Question

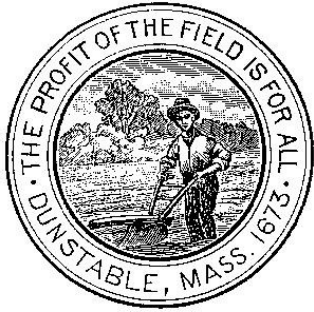
Mr. Martin came before the Board to ask if the Board would consider implementing a bylaw or regulation that states, "Nothing can be placed within 6-feet of the edge of pavement of the roadway". This would include walls, fences, trees, etc. The only exception is a mailbox. The Board will discuss this with Attorney Falk.

Approval of Meeting Minutes of June 21, 2022

Joe made a motion to approve the meeting minutes of the June 21 meeting, as written. Alan 2nd the motion. – Motion passed.

Bills/Payroll

Bills and payroll were signed.



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

Motion made, second and passed unanimously to end the meeting at 9:50pm. The next scheduled meeting is Monday, August 1, 2022 at 6:30pm.

Respectfully submitted,

Cheryl A. Mann
Administrative Assistant
Dunstable Planning Board