



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, March 4, 2024

Approved: **April 1, 2024**

Chair Jeff Pallis at 6:35pm, called the meeting to order.
Members present: Alan Chaney, Joan Simmons, and Jim Wilkie
Members absent: Joe VLcek

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

ANR, 291 Fletcher St – NDS/Jeff Hannaford

Jeff Hannaford presented on behalf of the applicant, Charles Tully who was in attendance. Jeff described the new ~3-acre parcel being subdivided out of the farm's ~70-acres would be for son Steven to build a new home. The new home will share a driveway with his parents at 225 Fletcher Street.

Jeff noted that his initial computations on the dwelling's site plan indicate an expected ~21,000 square feet of disturbed land which will put them under the Tier I Land Disturbance permit requirements.

Jim inquired on the frontage on Fletcher Street and the maintenance of lot width, which Jeff confirmed were present in the design. Jeff noted a wetland area at the rear of the property and Alan commented there was a year-round stream.

Alan confirmed that Town Engineer Hoyle Tanner had approved of the ANR plan and motioned to approve the ANR as presented. Joan seconded. – Motion passed unanimously.

Meeting Minutes – February 20, 2024

Alan made a motion to approve the minutes of the February 20th meeting. Jim 2nd the motion. – Motion passed unanimously.



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Bills and Payroll

No Bills.

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

Alan made a motion to sign a Hoyle Tanner Task Order #31, for the 291 Fletcher Street's ANR review. Jim 2nd the motion. – Motion passed unanimously.

Public Hearing: Special Permit Extension, 0 River Street/Unkety Brook Way Subdivision – *Laurie Sullivan, Attorney for Coljack Development*

Jeff opened the hearing at 6:45pm and explained the hearing procedure and process. In attendance: Laurie Sullivan, legal counsel for applicant Coljack Development, 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.

Attorney Laurie Sullivan, of Finneran & Nicholson, presented on behalf of the Coljack Development owners who were not in attendance. Legal counsel for the owners had issued a letter of request for extension on January 18th prior to the February 2nd, 2024, expiration of the original Special Permit issued August 2, 2022. Laurie noted that she had been present at the February 5th meeting of the Planning Board where the Board granted an extension in their regularly scheduled meeting. However, the proposed buyer of the property and development had requested an advertised public hearing, notification to abutters and the 20-day appeals period on the decision upon any extension approval.

Ms. Sullivan explained the reason for the SP extension request was due to delays awaiting state approvals on necessary MEPA conservation permitting as the site contains endangered species which must be protected. Seventy-two acres of the property will be donated to the Massachusetts Division of Fish & Game department. The remaining ~14-acres will contain the eleven-home subdivision.

Laurie went on to state that the conservation management permit requires the creation of a gravel parking area with kiosk and a trail. Fish & Game have requested the



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Planning Board hold a performance bond to ensure creation of these components after the owners convey the land to them. The Administrator has requested guidance from Fish & Game on the amount of money to be held for the bond and is awaiting a response. The Purchase & Sale agreement will include reference to this performance bond.

Planning Board Questions and Discussion:

Jeff inquired about the new target sale date and Laurie noted *"soon after the 20-day appeals period on the SP extension, if granted."* Hopefully, the sale will occur by the end of March.

Discussion on whether the performance bond ought to be included in the Special Permit decision was assuaged when Laurie highlighted that it would be included in the purchase and sale agreement.

Departments in Attendance/Letters Received:

Town Engineer, Dave L. had no questions at this time.

No departments notified were in attendance to offer additional concerns or input. No letters were received regarding the extension request.

Attendees Questions and Comments:

Abutter Kathy McFadden of River Street inquired on whether Fish & Game would present at a future date on where their parking area for trail access would be. It was explained that the final plans included the location of the three parking spaces, and they were presented for Kathy to see where it was located.

- ❖ Alan made a motion to close the Special Permit Extension public hearing for 0 River Street at ~7:05PM. Joan 2nd the motion. Motion passed unanimously.



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- ❖ Alan made a motion to grant the request for a Special Permit Extension under Section 6.6 of the Town of Dunstable Zoning Bylaw – Open Space Development for 0 River Street, shown on Assessor’s Map 2-4-0. Joan 2nd the motion.

Roll Call Vote:

- ❖ Alan Chaney-yes to grant extension, Joan Simmons- yes, to grant extension, Jeff Pallis -yes to grant extension, Jim Wilkie-yes to grant extension.
- ✓ Motion passed 4-0, unanimously.

Land Disturbance Inspections & Review Fees – *315 River St. Ken Tully*

Ken sought clarity on the inspections and fees, noting he had offered an initial \$1,300 payment to cover the application and inspections for the Tier I land disturbance permitting. He understood these fees covered reviewing the plan and site visits sufficient to get through the Tier I regulations. He noted that the project started in August of 2023, and a concern that twelve site visits by the Town’s agent (Hoyle Tanner’s David Langlais) had already occurred to date. He sought to understand why inspections were so frequent and associated Agent costs were mounting.

Jeff asked Agent Dave what the process for a Tier I inspection was. Dave noted site visit inspections were largely dependent on the site and what was going on there. He is following the Town’s stormwater discharge rules and regulations which require erosion controls and in this site’s case a turtle protection fence. He noted the stormwater infiltration trench was not on the plan that he’d seen when he’d stopped by one day. He’d noted all concerns in an August 17th email sent, and these concerns had not been addressed.

Dave shared that he stopped by the site during a loop he made of several sites in town to ensure erosion controls are in place and there is no silt runoff. A required part of the process is to inspect the infiltration trench and ensure installation per plan for signoff. After that signoff, its simply monitoring for whatever erosion controls are left.



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Ken noted that inspections ought to occur when the site is ready for inspections. His main concern has been to ensure silt has not left the site despite the torrential rains and nothing has gone out onto River Street.

Jeff noted the importance of our agent doing their due diligence during the project's progress. He pointed out that Dave's 'stop by' showed concerns, which he'd communicated to Ken, and this resulted in returning more frequently. According to the regulations, the Town's Agent needs to be monitoring during the installation of the infiltration trenching, to ensure it's to required design standards.

Ken, Dave, and the Board agreed that two-way communication around land disturbance inspections need to be improved and a checklist should be developed. It was specifically noted that developers must notify the Town's agent when the infiltration trench is being installed.

The amended task order is for \$3,500 which is expected to cover the work already performed and outstanding needed. Dave will put together a detailed invoice of actual cost on what time he has already actually expended.

Tier II Land Disturbance Concerns, Gateway Homes – Westford Street

Agent, Dave Langlais noted concerns with stormwater runoff at the multi-home site and how the developer was not being cooperative in responding to his requests. The original land disturbance permit application was for the entire set of four properties to be developed. Dave has technically never approved the permit, and three of the four lots have already been built and sold. The final unbuild lot at 178 Westford St is a backland lot which has also been disturbed.

Dave has observed and documented water running down to Westford St. and the basin in the back of the properties. A temporary mulch berm, to attempt to keep the sediment laden water from encroaching into the open space, has been breached through multiple rain events over recent months. He has notified the developer of storm events which required immediate attention to address runoff capture. In response the developer disagreed and said nothing had happened, to which Dave presented his evidence. He has been trying to work collaboratively with the developer, but there have been limited or argumentative responses.



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The Conservation Commission will take a closer look to check on any infiltration to nearby wetlands. If the developer doesn't put up something (silt fencing, etc.) the Town may need to reestablish a perimeter. The Planning Board can issue an enforcement order, penalties, or fines. Dave will speak with the Town Administrator about best next steps needed.

Jim made a motion to close the meeting at 7:51pm. Joan seconded the motion. – Motion passed unanimously.

The next scheduled meeting is Monday, March 18, 2024 at 6:30pm. The Planning Board will meet in the lower-level Grange room at the Dunstable Town Hall.

Respectfully submitted,

Carol A. Rock
Administrative Assistant,
Dunstable Planning Board